ISSN:1937-2663

Freedom is never **FREE**

Rock Creek Free Press

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

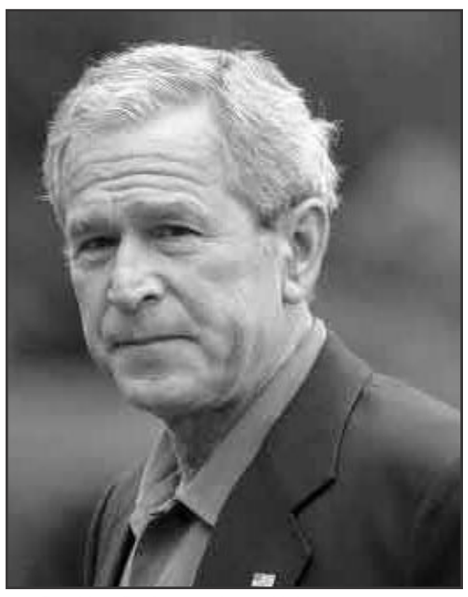
Vol. 3, No. 6 June 2009 A FIERCELY INDEPENDENT NEWSPAPER Washington, D.C.

Torture Authors: A Few Bad Apples

Vice President Cheney pushed for torture and vehemently defends the policy.

As NSC head, Condoleezza Rice "conveyed the authorization" for torture.

DOJ Lawyer, JohnYoo argued it was legal.



President Bush went along with it.

Thirteen people in the Bush administration were responsible for making torture possible. They authorized it, they decided how to implement it, and they crafted the legal fig leaf to justify it.

By Marcy Wheeler

On April 16, the Obama administration released four memos that were used to authorize torture in interrogations during the Bush administration. When President Obama released the memos, he said, "It is our intention to assure those who carried out their duties relying in good faith upon legal advice from the Department of Justice (DOJ) that they will not be subject to prosecution."

Yet 13 key people in the Bush administration cannot claim they relied on the memos from the DOJ's Office of Legal Counsel (OLC). Some of the 13 manipulated the federal bureaucracy and the legal process to "preauthorize" torture in the days after 9/11. Others helped implement torture, and still others helped write the memos that provided the Bush administration with a legal fig leaf after torture had already begun.

The Torture 13 exploited the federal bureaucracy to establish a torture regime in two ways. First, they based the "enhanced interrogation techniques" on techniques used in the US military's Survival, Evasion, Resistance and Escape (SERE) program. The program — which subjects volunteers from the armed services to simulated hostile capture situations — trains servicemen and women to withstand coercion well enough to avoid making false confessions if captured.

The Torture 13 also abused the legal review process in the Department of Justice in order to provide permission for torture. Between 9/11 and the end of 2002, the Torture 13 decided to torture, then reverse-engineered the techniques, and then crafted the legal cover. Here's who they are and what they did:

1. Dick Cheney, Vice President (2001-2009)

Two weeks after 9/11 Cheney and his legal counsel, David Addington, had obtained a memo asserting almost unlimited power for the President as "the sole organ of the Nation in its foreign relations" to respond to the terrorist attacks. As part of that expansive view of executive power, Cheney and Addington would argue that domestic and international laws prohibiting torture and abuse could not prevent the President from authorizing harsh treatment of detainees in the war against terror.

But Cheney and Addington also fought bureaucratically to construct this torture program. Cheney led the way by controlling who gained access to the President. Each time the torture program got into trouble as it spread around the globe; Cheney intervened to ward off legal threats and limits by badgering the CIA's inspector general when he reported many problems with the interrogation program and by

See TORTURE 13 p. 5

New York "Terror Plot"

Another Government Provocateured Set-Up

By Paul Joseph Watson / PrisonPlanet.com

The corporate media and the authorities are having a field day lavishing saturation coverage on the so-called New York "terror plot" in which four men, three of them US citizens, supposedly planned to blow up a Jewish temple and shoot down military planes, feverishly citing it as another example of why we should accept police state measures in major cities and the targeting of American citizens as "domestic terrorists".

The only problem with this premise, mirroring just about every other major terror plot and terror bust that we have ever studied, is that the men were radicalized and provocateured by an FBI informant, who provided the group with the fake weapons that led to their arrest.

Just as in every other case, the men will likely turn out to be semi-retarded dropouts who eagerly followed the fed's lead in the pursuit of a promise of massive cash gifts and a way out of their miserable poverty-stricken lives. However, this won't be reported with one iota of the gusto that the corporate media are pushing this story today.

What we already know for sure is that the men had been under FBI surveillance for nearly a year. The fact that it took the feds nearly 12 months to get the men to accept fake weapons in order for them to be charged with "conspiracy to use weapons of mass destruction within the United States" is evidence in and of itself

See NY TERROR p. 4

Pulitzer Prize Winning Story News Networks Won't Report

By Matt Sullivan / RCFP

The Pulitzer Prize for investigative reporting was awarded last month to David Barstow of the *New York Times* but you didn't hear a word about it from the TV and cable networks. The reason for their silence is obvious; they don't want you to know what Barstow revealed: that the networks have been active participants in a Pentagon sponsored propaganda campaign intended to sell the Iraq and Afghanistan wars (among other things) to the American public.

In the words of the Pulitzer Committee, Barstow's prize was "for his tenacious reporting that revealed how some retired generals, working as radio and television analysts, had been co-opted by the Pentagon to make its case for the war in Iraq, and how many of them also had undisclosed ties to companies that benefited from policies they defended."

The prize-winning stories appeared in *The New York Times* on April 20, 2008 and November 29, 2008 and were the product of a three year "Freedom of Information" effort to wrench documentation of the propaganda effort out of the Department of Defense (DoD).

Barstow revealed Pentagon documents that repeatedly refer to the military analysts as "message force multipliers" or "surrogates" who could be counted on to deliver administration themes and messages to millions of Americans as if were their their own opinions.

The Pentagon-controlled pundits, most of them retired generals, were given hundreds of classified Pentagon briefings, provided with Pentagon-approved talking points and flown at Pentagon expense to Iraq and other sites. But this extraordinary access came with a condition. "Participants were instructed not to quote their briefers directly or otherwise describe their contacts with the Pentagon." In their television appearances, the military analysts did not disclose their ties to the Pentagon, let alone that they were its surrogates. The military analysts were little more than puppets for the Pentagon. In the words of Robert S. Bevelacqua, a retired Green Beret who was a Fox News military analyst, "It was them saying, 'We need to stick our hands up your back and move your mouth for you.'"

David Barstow wrote, "Records and

See PULITZER p. 4

Many Detainees Tortured to Death

A Fact Conveniently Left Out of the Torture Policy Debate

By David Edwards and Stephen Webster / RawStory

A human rights researcher says that any investigation into abuse of terror war prisoners should focus on what he called the Bush administration's "homicides" — prisoners who died while being subjected to torture.

John Sifton, a private investigator with One World Research, appearing on Democracy Now with host Amy Goodman, said that up to 100 terror war prisoners have died in US custody, many of whom were clearly murdered, some by way of torture.

"A review of homicide cases, however, shows that few detainee deaths have been properly investigated," he noted in a feature story for *The Daily Beast*. "Many were not investigated at all. And no official investigation has looked into the connection between detainee deaths and the interrogation policies promulgated by the Bush administration."

Senate torture hearings have examined the effectiveness of "enhanced interrogation techniques", but Sifton feels this is the wrong focus.

"Those are the wrong debates to be having right now," Sifton said.

"We knew that up to a hundred detainees had died in US custody in Iraq and Afghanistan, and we had published this information previously.

See TORTURE DEATHS p. 8

Swine Flu Fizzles

By Elaine Sullivan / RCFP

The flu comes and goes every year; some years more virulent than others. Each year the Center for Disease Control (CDC) and doctors around the country urge the public to get their flu vaccines. The CDC blames 36,000 deaths annually on the flu, but that number is extremely dubious (see related article pg. 2). The CDC together with the pharmaceutical companies pushes annual flu vaccinations, despite the lack of evidence for their effectiveness.

No flu outbreak was more deadly than the so-called "Spanish" flu pandemic of 1918. On March 1, 1918, a young soldier stationed at Camp Funston, Fort Riley, Kansas came down with the flu. It quickly spread to other soldiers and other military camps. The flu that struck Fort Riley killed 48 soldiers in the spring of 1918, but with flu season winding down, and WWI heating up, few people noticed the outbreak in the military camps. When soldiers shipped out to Europe they took the virus with them. It quickly spread aboard transport ships and in the trenches of war-time Europe. It wasn't until the fall of that year, with the onset of another flu season that the killer flu returned, arriving in Boston in September of 1918. As men across the US were mobilizing to join the military the virus quickly spread around the US and the world. "The lack of action was later criticized when the epidemic could not be ignored in the winter of 1918 (*British Medical Journal*, 1918). These first

See SWINE FLU p. 2

NSA Stellar Wind Program Exposed

Warrantless Wiretaps on Journalists and Public Officials

By Wayne Madsen / Wayne Madsen Report

The warrantless National Security Agency (NSA) electronic eavesdropping program known to only a handful of Bush administration officials by its code word "Stellar Wind" and by a few other Justice Department officials only as "The Program" routinely intercepted the communications and transactional data, including credit card usage, of journalists and public officials, according to sources familiar with the program.

The Stellar Wind program was considered so illegal by the Justice Department and FBI agents who knew about it, that there was a belief that then-Attorney General John Ashcroft would be indicted for allowing the interception program to operate. Known also as the "Terrorist Surveillance Program," the warrantless wiretapping was authorized by President George W. Bush in the wake of 9/11 and had to be re-certified every 45 days. In March 2004, Deputy Attorney General James Comey, upon the determination of the Justice Department's Office of Legal Counsel, decided that certification would not occur because the program was deemed as illegal.

Comey became acting Attorney General after Ashcroft went to George Washington University hospital suffering from acute pancreatitis. There

See STELLAR WIND p. 4

Judge Rejects Gitmo Prosecutions

District Court Condemns 'Mosaic of Evidence' Theory and Unreliable Witnesses

Photo: Beverly Rezneck

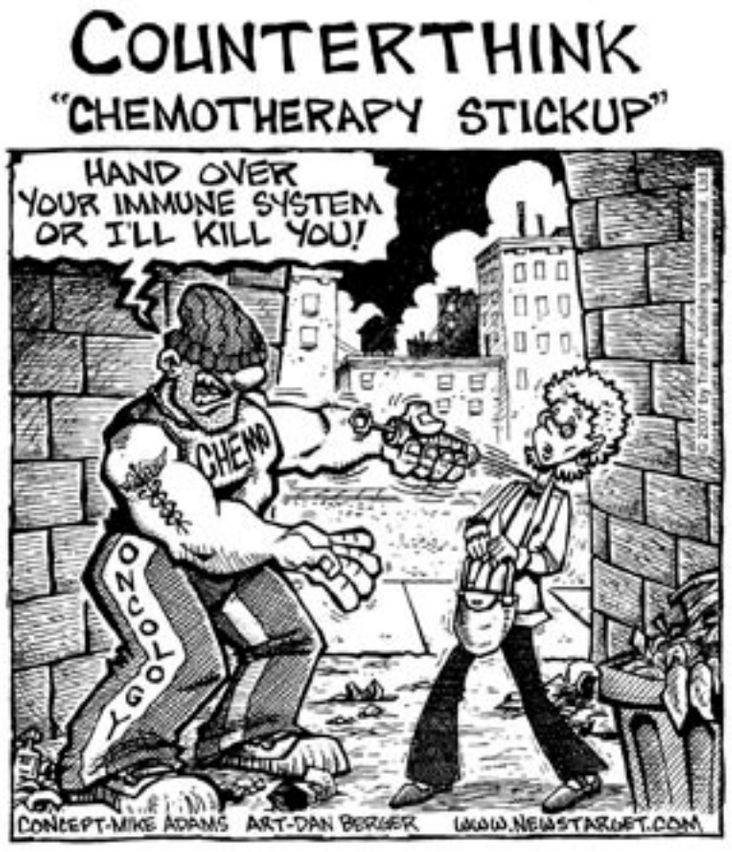
By Andy Worthington

David Remes, an attorney for 16 Yemeni prisoners in Guantánamo, claimed today that the government's detention policy was "in tatters," after District Court Judge Gladys Kessler (pictured) comprehensively demolished the Justice Department's case against a Yemeni prisoner held in Guantánamo without charge or trial for seven years.

Judge Kessler ruled last Monday that the government had failed to establish, "by a preponderance of the evidence," that Alla Ali Bin Ali Ahmed was "part of, or substantially supported, Taliban or al Qaeda forces that are engaged in hostilities against the United States or its coalition partners," and stated that the government "should take all necessary diplomatic steps to facilitate" his release.

This was not the first time that a judge had ordered a prisoner freed from Guantánamo because of the weakness of the government's evidence. Since the Supreme Court reinstated the prisoners' *habeas corpus* rights last June, judges have ordered the release of 25 prisoners in the 29 cases that have so far been heard.

See KESSLER p. 6



The Quackery of Chemotherapy

Gunpoint Medicine: The Disturbing Fate of 13-Year-Old Daniel Hauser

By Mike Adams / NaturalNews

You see it in newspapers and websites across the 'net: people insisting that 13-year-old Daniel Hauser of Sleepy Eye, Minnesota must be injected with chemotherapy in order to "save his life," and that anyone refusing to go along with that is a criminal deserving of arrest and imprisonment.

What's most astonishing about the mainstream reaction to the forced chemotherapy of Daniel Hauser is not merely that they believe states now own the children, but that they believe in the entire world there exists but one single treatment for cancer, and it happens to be the one that makes pharmaceutical companies the most money. The arrogance (and ignorance) of that position is mind boggling.

There was once a time when western medical doctors believed that the heavy metal mercury was a medicine, too. They methodically used mercury to treat hundreds of different diseases and conditions, oblivious to the fact that they were actually poisoning people with this toxic heavy metal.

And yet, imagine if authorities had arrested parents for not treating their children with mercury. Imagine if they threw parents in prison for refusing their "mercury medicine." That would be equivalent to today's arrogant, misguided and extremely dangerous campaign to outlaw saying "no" to chemotherapy.

A brief history of medical quackery

It was mercury, in fact, that led to the term "quack." Mercury is called "quicksilver," and those doctors who prescribed it were eventually discovered to be pushing toxic chemicals rather than any real medicine. They were initially called "quicks" and then later "quacks."

The quackery of those doctors prescribing mercury wasn't hard to miss. People taking the mercury would get extremely ill. Their hair would fall out. They would lose their appetite and experience extreme loss of body weight. Many would simply die from the toxicity.

Remarkably, these are the same side effects produced by chemotherapy. And today, chemotherapy doctors describe these side effects in precisely the same terms as the mercury quacks of a century ago, claiming the effects are "part of the healing process" and encouraging patients to find the courage to "just go through with it."

But let's pull our heads out of the muck here and acknowledge the obvious. Poisoning patients — whether with mercury or chemotherapy — will never produce healing. And the prescribing of such toxic chemicals to patients is little more than sophisticated quackery, backed by seemingly convincing data (which is actually based on scientific fraud) along with the urgings of cancer doctors who rely on highly manipulative fear tactics to corral patients into treatments that will only harm them.

Do parents have the right to protect their children from poison?

Today, the mother of 13-year-old Daniel Hauser is on the run, having skipped out on the Minnesota court that ordered her to poison her own child. She is now considered criminally negligent by the state — a parent who belongs behind bars and will likely be imprisoned when she is arrested at gunpoint.

And yet, I ask you this; what else could she have done? To appear in court and submit her child to chemical injections of a toxic substance would amount to child abuse. She is doing what any sensible parent would do. She's protecting her child from the poisons of the world, and standing up against the tyrants of modern medicine who so desperately seek to exploit her child for profit that they have actually turned to enforcing their business at gunpoint in order to do so.

It is interesting that pharmaceutical medicine is the only industry in America that's forced to recruit its patients at gunpoint.

I call it Gunpoint Medicine, and it is exactly as it sounds, the enforcing of medical quackery at gunpoint.

It is also interesting that conventional medicine is so utterly (and arrogantly) convinced that its chemicals are the one and only solution for any disease; it now believes those who seek other healing modalities should be arrested and imprisoned.

It puts the operations of conventional (pharmaceutical) medicine in a whole new light (or darkness, as it were). Now, conventional medicine requires armed enforcers — medical mercenaries who push patented chemicals at gunpoint. After all, without the threat of firearms toted by local law enforcement, the courts of Minnesota would have no leverage over the Hauser family. Conventional medicine is now paired with armed foot soldiers who effectively enforce the marketing of their products at the barrel of a gun.

And let's be clear about this; the decision of the Minnesota court is little more than the marketing of a modern form of quackery, enforced with the threat of firearms.

I'll ask the obvious question, when faced with being threatened at gunpoint by doctors pushing toxic chemicals onto children, with their freedoms taken away and their parental rights trampled beyond recovery, do not these parents have the right to defend the lives and safety of their children with their own firearms? If an intruder barges through your front door armed with a syringe filled with toxic chemicals, and he tries to inject those chemicals into your son or daughter, you are well within your rights as a free citizen to shoot that intruder before he can harm your children.

Guns work both ways, after all, and firearms remain the last-ditch defense of citizens attempting to protect their lives and freedoms from tyrannical governments. The United States of America, of course, is founded on precisely such principles.

The State as criminal

It is never lawful or just for a government to kidnap children at gunpoint, to imprison their parents and inject their children with toxic chemicals merely because those parents seek more natural healing modalities. Technically, any citizen who is subjected to such tyrannical treatments has every right, under the US Constitution, to defend their family members with the use of lethal force against such intruders. Just because those intruders happened to be on the state payroll does not make them any less criminal in their actions.

By comparison, car companies don't market their products at gunpoint. If you showed up at a car dealer and said, "I want a pickup truck," but they shoved a gun in your face and said, "No, you will buy a sedan or you will go to prison," you would probably think that's a bit insane.

Tourism companies don't market their services at gunpoint, either. If you went to a travel agent and said you wanted to take your family to Disneyland, but they whipped out a Colt .45, shoved it in your face, and said, "You're going to Alaska," you might be taken aback.

But modern medicine is now operating with the same terrorizing threat. You take your son to a doctor, asking for help, and he calls gun-toting law enforcement officials who essentially threaten you at gunpoint, saying, "You will choose chemotherapy or lose your children." That's what's happening today, right now, with the Hauser family and the state of Minnesota.

It just goes to show you how desperate the cancer industry is to thwart free choice. The most dangerous threat to pharmaceutical medicine is an informed parent who chooses to say no to toxic chemotherapy. And that is precisely why such choices are being criminalized.

It has nothing to do with the health of 13-year-old Daniel Hauser. It has everything to do with monopolizing the medical industry, putting fear into the minds of parents, and continuing a tradition of outright quackery that sells poison to patients while calling it "treatment."

And it has everything, of course, to do with asserting the power of tyrannical government over the People, controlling their behavior, erecting virtual prisons in their own minds that prevent them from venturing outside the bounds of "accepted" behavior. Modern medicine, in this way, is working in conspiracy with tyrannical government to turn People into medical slaves, and it is stripping away their freedoms, their choice and their very children in the process.

Mike Adams is the Health Ranger. NaturalNews.com

Thirty-Six Thousand People Do Not Die Each Year from Flu (Confirmed)

By Mike Adams / NaturalNews

Read just about any news report on swine flu deaths, and you'll come across a line that claims "36,000 people die each year from flu-related causes." It sounds authoritative. It's even a nice, round number. But where is this number coming from? And is it based on any actual science?

This statistic is being paraded around by almost everybody, as if to say that swine flu isn't so bad because regular flu kills so many people each year anyway. The truth is that the only standard by which the CDC and WHO are quoting deaths from swine flu is if they are confirmed deaths from a particular viral strain. To them, if a death has not been confirmed in their labs, it does not count as a death from that flu.

Got that? Only "confirmed" deaths count. And they must be confirmed in a laboratory using a rigorous method of comparing samples taken from the deceased with a known database of viral patterns.

As it turns out, virtually none of the 36,000 people said to die from regular flu each year has been confirmed in any lab whatsoever.

Thus, according to the guidelines of the CDC and WHO, they don't count. Based on their own rules, it is technically accurate to say that regular flu kills virtually no one. It's not true, of course, because people do die from the "regular flu" each year, but it is technically accurate according to the CDC and WHO rules for scientific evidence.

Again, that's because nearly all of these "regular flu" deaths aren't confirmed by a CDC or WHO-recognized lab. Thus, they have no scientific standing.

Infectious disease double standard

I find it interesting that when talking about swine flu, the criteria for inclusion in statistics is positive identification in a rigorous laboratory. But when talking about regular flu, the criteria for inclusion is — technically speaking — anybody's wild guess.

The 36,000 number, it turns out, was pulled out of thin air. It has no scientific validity whatsoever, even according to the CDC's own standards.

I tracked down the origins of this number on CDC.gov, by the way. Turns out it was an estimate derived by the CDC in 2003 (http://www.cdc.gov/od/oc/media/pressrel).

It's an estimate, mind you, not a "confirmed" number of deaths. And that estimate has stayed exactly the same through 2003, 2004, 2005, 2006, 2007, 2008 and 2009. Not a budge. Before the number was 36,000, it was 20,000 for many years. That tells you right off the bat this isn't some confirmed laboratory number — it's a guesstimate!

I'm not disagreeing with the number. It's probably a fairly accurate guess (the CDC folks are a smart bunch). But it doesn't meet the criteria by which these infectious disease organizations report influenza deaths.

As the CDC even says on their own website, "This estimate came from a 2003 study published in the *Journal of the American Medical Association* (JAMA), which looked at the 1990-91 through the 1998-99 flu seasons. Statistical modeling was used to estimate how many flu-related deaths occurred among people whose underlying cause of death on their death certificate was listed as a respiratory or circulatory disease. During these years, the number of estimated deaths ranged from 17,000 to 52,000."

In other words, they took a look at how many people died from respiratory or circulatory disease, and from that they extrapolated "flu-related deaths."

This is all accomplished through "statistical modeling," which is the equivalent of statisticians waving magic wands to create new numbers where none exist. Based on the sample size, it can be quite accurate (plus or minus a few percentage points), or it can be way off base depending on the accuracy of the statistical sample.

Notably, if the same methodology were used to calculate swine flu deaths, it might currently show 300 or more deaths (and such methodologies would be widely criticized, of course, for being "just wild guesses," which they are).

As the CDC admits itself, "CDC does not know exactly how many people die from flu each year."

And... "It has been recognized for many years that influenza is infrequently listed on death certificates and testing for influenza infections usually not done, particularly among the elderly who are at greatest risk of influenza complications and death. Some deaths – particularly in the elderly – are associated with secondary complications of influenza (including bacterial pneumonias)." (http://www.cdc.gov/flu/about/diseases)

In other words, influenza isn't listed on death certificates and influenza testing isn't even done on most patients! Thus, it is not possible for these 36,000 influenza deaths to be confirmed at all.

Swine flu may escape detection, too

What else is interesting in all this is when the CDC explains that viral strains aren't even detectable in patients after the first few days of infection:

"Influenza virus infection may not be identified in many instances because influenza virus is only detectable for a short period of time and many people don't seek medical care until after the first few days of acute illness."

If this is true, then isn't it also true that most swine flu patients can NEVER be confirmed in a lab?

I find this quite curious, because according to what the CDC is saying here, it is impossible to ever get an accurate "confirmed" count of swine flu patients because the influenza virus isn't detectable after a "short period of time." Thus, by limiting swine flu death reports to only those patients who have been confirmed in a laboratory, the CDC is essentially eliminating the very possibility that many swine flu patients will ever be tested and identified as carrying the strain.

Put another way, the criteria for identifying and reporting swine flu deaths is, itself, limiting the number of swine flu deaths that will ever be counted. Essentially, the system is rigged to under-report swine flu deaths by eliminating anyone who wasn't tested in time to identify the strain.

This, I believe, is why the swine flu death count remains magically low even as doctors on the ground in Mexico City are reporting much larger numbers of real-world swine flu deaths.

Different strains

The other important thing to realize here is that the 36,000 figure is not talking about just one strain of influenza; it's a cumulative figure from ALL the other strains of influenza combined!

"Regular flu," you see, isn't just one flu. It's a collection of potentially hundreds of different flu strains. So assigning the 36,000 deaths a year figure to "regular flu" is misleading because it makes it sound like a single strain of influenza.

The truth is that nobody really knows how many deaths each year occur from the different strains of flu circulating in the wild. Some top-notch CDC officials can probably take a pretty good guess at it, but it's still just that: a guess. The real numbers are, frankly, unknown.

It's also unknown how many people die from the viral load vs. how many die from secondary infections (such as bacterial pneumonia) that often follow viral infections. Technically, a lot of those 36,000 people (or so) might have been killed by various strains of common bacteria, not by the viruses.

On the same day Mexico was reporting 159 deaths from swine flu, according to the WHO, that number is not only 7. How does 159 magically become 7? By including the word "confirmed" in front of it.

Fine. Let's all go with the "confirmed" modifier. All infectious disease deaths must now be confirmed in a CDC or WHO laboratory in order to count. So that means the 36,000 number needs to be revised down to however many have been "confirmed" in that group.

And how many is that? Only the CDC knows. I'm guessing it's a two-digit number.

So much for the myth of "36,000 flu-related deaths a year." If you believe that number, I'm sure there's a job waiting for you at the US Treasury Department, where numbers are materialized out of thin air on a daily basis in order to finance the national debt.

Mike Adams is an author, investigative journalist and educator. He is the founder of the website Health Ranger (www.healthranger.org) and NaturalNews.com, an online news source covering all areas of personal and planetary wellness from nutrition to renewable energy. He's written thousands of articles and a book chronicling his pursuit of peak health, Grocery Warning.

Swine Flu Fizzles

SWINE FLU from p. 1

epidemics at training camps were a sign of what was coming in greater magnitude in the fall and winter of 1918 to the entire world" (Molly Billings, "The Influenza Pandemic of 1918" http://virus.stanford.edu/uda/ June, 1997).

It is interesting to note that the US Army began compulsory vaccinations for all recruits in 1911. By 1917 recruits were getting between 14 and 25 vaccinations for diseases including hepatitis, yellow fever, typhoid and flu. This aggressive vaccination program resulted in at least 63 deaths and 28,585 cases of hepatitis as a direct result of yellow fever vaccination according to a report by then US Secretary of War Henry L. Stimson.

Nearly 60 years later another killer flu outbreak, again starting on a military base, sparked panic. In February of 1976, a 19-year-old soldier, based at Fort Dix in New Jersey, fell ill and died. Thirteen other soldiers had confirmed cases of the flu and an estimated 500 soldiers caught the flu without falling ill. How this flu got to Fort Dix is unknown but the "epidemic" never left the base.

In anticipaton of a feared pandemic, then-President Gerald Ford, mobilized for mass inoculations. By October of 1976 the vaccinations were ready and 40 million Americans were inoculated. However, problems quickly surfaced with the vaccine. While only one soldier died from the flu, thirty people died and hundreds became seriously ill as a result of the inoculations. The vaccine program was quickly shut down. No other outbreaks of the Fort Dix flu were ever reported.

The flu and all of its names and varieties are confusing. Influenza-A viruses are categorized according to two proteins found on the surface of the virus: hemagglutinin (H) and neuraminidase (N). All influenza-A viruses contain hemagglutinin and neuraminidase, but the structure of these proteins differs from strain to strain due to rapid genetic mutation.

Influenza-A virus strains are assigned an H number and an N number based on which forms of these two proteins the strain contains. There are 16 H and 9 N subtypes known in birds, but only H 1, 2 and 3, and N 1 and 2 are commonly found in humans.

Scientist have speculated that the 1918 flu began as an avian flu (H5N1) which passed to people and then to pigs (H1N1) in the fall of 1918; inflicting 1/5 of the world population and killing an estimated 20 – 40 million people worldwide, half a million in the US. The flu that is currently causing concern is the H1N1 variety.

Given the deadly character of the 1918 flu one has to wonder why researchers have been allowed to recreate this virus. In 1997 Jeffery K. Taubenberger of the Influenza Genome Sequencing Project located preserved lung tissue taken from victims of the 1918 flu, as well as, tissue samples from a female flu victim who was buried in the frozen ground of Alaska. Researchers from the US Armed Forces Institute of Pathology in Washington, DC and Mount Sinai School of Medicine in New York worked together to reconstruct the 1918 flu ("Recreating the Spanish flu?," The Sunshine Project, October 9, 2003) "Genetic techniques helped to isolate more Spanish flu RNA from a variety of sources. By 2002, four of the eight viral RNA segments had been completely sequenced, including the two segments that are considered to be of greatest importance for the virulence of the virus: the genes for hemagglutinih (HA) and neuraminidase (NA)" (Emerging Infectious Diseases, Reid et al., 2003).

Why did Taubenberger et al. decide to resurrect the Spanish Flu? Taubenberger and "…his colleagues at the US Armed Forces Institute of Pathology had developed unique methods to analyze the molecular make-up of preserved tissues. "The 1918 flu was by far and away the most interesting thing we could think of because it's not just a historical curiosity, like … colorblindness," says Taubenberger. The 1918 pandemic was "the most lethal infectious disease outbreak probably in all history and no one was able to study it because the virus wasn't isolated at the time — influenza viruses weren't even known to exist in 1918," he adds.

The risk of accidental (or deliberate) release of the killer strain apparently didn't figure in the calculation. And releases of deadly strains do happen. Baxter International's research facility in Orth-Donau, Austria shipped contaminated flu vaccine to facilities in the Czech Republic, Slovenia, and Germany in February of this year. The contaminated product, a mix of H3N2 seasonal flu viruses and unlabelled H5N1 viruses was discovered by a technician in the Czech Republic.

Although this "accidental" contamination should be nearly impossible under the Biosafety Levels established by the Centers for Disease Control for handling of infectious agents no reprimands or repercussions occurred. In fact, Baxter is one of the pharmaceutical companies now working on a vaccine for the most recent flu outbreak.

So far, the main beneficiaries of the current swine flu scare are the vaccine makers and the pharmaceutical companies such as Tamiflu maker Roche. A *Washington Post* article states that the US government has set "aside $1 billion for crucial testing of the first pilot doses and stockpiling of key vaccine ingredients — in case world health authorities decide that people indeed need to be vaccinated starting sometime next fall. The stockpile will allow for quick production of shots to protect health workers and other people at high-risk from flu." The public seems to be waking-up to the downside of flu vaccines, including the mercury containing preservative used in flu vaccines, less than one third of the people in the US say they would get the new vaccine according to a Zogby poll taken in May.

The swine flu scare seems to have passed. It might return with the onset of the annual flu season in the Fall, or it might not. As we have reported previously, while flu vaccines carry risks, there is scant evidence that they are effective. Plenty of rest, a healthy diet, exercise and some Vitamin D supplements have been shown to be a safe and effective alternative for flu prevention.

Elaine Sullivan is the health editor for the Rock Creek Free Press *and a homeschooling mom.*

Rock Creek Free Press

A FIERCELY INDEPENDENT NEWSPAPER

Who Rules America?

By Paul Craig Roberts

What do you suppose it is like to be elected President of the United States only to find that your power is restricted to the service of powerful interest groups?

A president who does a good job for the ruling interest groups is paid off with remunerative corporate directorships, outrageous speaking fees, and a lucrative book contract. If he is young when he assumes office, like Bill Clinton and Barack Obama, it means a long life of luxurious leisure.

Fighting the special interests doesn't pay and doesn't succeed. On April 30 the primacy of special, over public, interests was demonstrated yet again. The Democrats' bill to prevent 1.7 million mortgage foreclosures and, thus, preserve $300 billion in home equity by permitting homeowners to renegotiate their mortgages, was defeated in the Senate, despite the 60-vote majority of the Democrats. The banksters were able to defeat the bill 51 to 45.

These are the same financial gangsters whose unbridled greed and utter irresponsibility have wiped out half of Americans' retirement savings, sent the economy into a deep hole, and threatened the US dollar's reserve currency role. It is difficult to imagine an interest group with a more damaged reputation. Yet, a majority of "the people's representatives" voted as the discredited banksters instructed.

Hundreds of billions of public dollars have gone to bail out the banksters, but when some Democrats tried to get the Senate to do a mite for homeowners, the US Senate stuck with the banks. The Senate's motto is: "Hundreds of billions for the banksters, not a dime for homeowners."

If Obama was naive about well-intentioned change before the vote, he no longer has this political handicap.

Democratic Majority Whip Dick Durbin acknowledged the voters' defeat by the discredited banksters. The banks, Durbin said, "frankly own the place."

It is not difficult to understand why. Among those who defeated the homeowners bill are senators Jon Tester (MT), Max Baucus (MT), Blanche Lincoln (AK), Ben Nelson (NE), Mary Landrieu (LA), Tim Johnson (SD), and Arlen Specter (PA). According to reports, the banksters have poured a half million dollars into Tester's campaign funds. Baucus has received $3.5 million; Lincoln $1.3 million; Nelson $1.4 million; Landrieu $2 million; Johnson $2.5 million; Specter $4.5 million.

The same Congress that can't find a dime for homeowners or health care appropriates hundreds of billions of dollars for the military/security complex. The week after the Senate foreclosed on American homeowners, the Obama "change" administration asked Congress for an additional $61 billion dollars for the neoconservatives' war in Iraq and $65 billion more for the neoconservatives' war in Afghanistan. Congress greeted this request with a rousing "Yes we can!"

The additional $126 billion comes on top of the $533.7 billion "defense" budget for this year. The $660 billion — probably a low-ball number — is ten times the military spending of China, the second most powerful country in the world.

How is it possible that "the world's only superpower" is threatened by the likes of Iraq and Afghanistan? How can the US be a superpower if it is threatened by countries that have no military capability other than a guerrilla capability to resist invaders?

These "wars" are a hoax designed to enrich the US armaments industry and to infuse the "security forces" with police powers over the American citizenry.

Not a dime to prevent millions of Americans from losing their homes, but hundreds of billions of dollars to murder Muslim women and children and to create millions of refugees, many of whom will either sign up with insurgents or end up as the next wave of immigrants into America.

This is the way the American government works. And it thinks it is a "city on the hill, a light unto the world."

Americans elected Obama because he said he would end the gratuitous criminal wars of the Bush brownshirts, wars that have destroyed America's reputation and financial solvency and serve no public interest. But once in office Obama found that he was ruled by the military/security complex. War is not being ended, merely transferred from the unpopular war in Iraq to the more popular war in Afghanistan. Meanwhile, Obama, in violation of Pakistan's sovereignty, continues to attack "targets" in Pakistan. In place of a war in Iraq, the military/security complex now has two wars going in much more difficult circumstances.

Viewing the promotion gravy train that results from decades of warfare, the US officer corps has responded to the "challenge to American security" from the Taliban. "We have to kill them over there before they come over here." No member of the US government or its numerous well-paid agents has ever explained how the Taliban, which is focused on Afghanistan, could ever get to America. Yet this hyped fear is sufficient for the public to support the continuing enrichment of the military/security complex, while American homes are foreclosed by the banksters who have destroyed the retirement prospects of the US population..

According to Pentagon budget documents, by next year the cost of the war against Afghanistan will exceed the cost of the war against Iraq. According to a Nobel prize-winning economist and a budget expert at Harvard University, the war against Iraq has cost the American taxpayers $3 trillion, that is, $3,000 billion in out-of-pocket and already incurred future costs, such as caring for veterans.

If the Pentagon is correct, then by next year the US government will have squandered $6 trillion dollars on two wars, the only purpose of which is to enrich the munitions manufacturers and the "security" bureaucracy.

The human and social costs are dramatic as well and not only for the Iraqi, Afghan, and Pakistani populations ravaged by American bombs. Dahr Jamail reports that US Army psychiatrists have concluded that by their third deployment, 30 percent of American troops are mental wrecks. Among the costs that reverberate across generations of Americans are elevated rates of suicide, unemployment, divorce, child and spousal abuse, drug and alcohol addiction, homelessness and incarceration.

In the Afghan "desert of death" the Obama administration is constructing a giant military base. Why? What does the internal politics of Afghanistan have to do with the US?

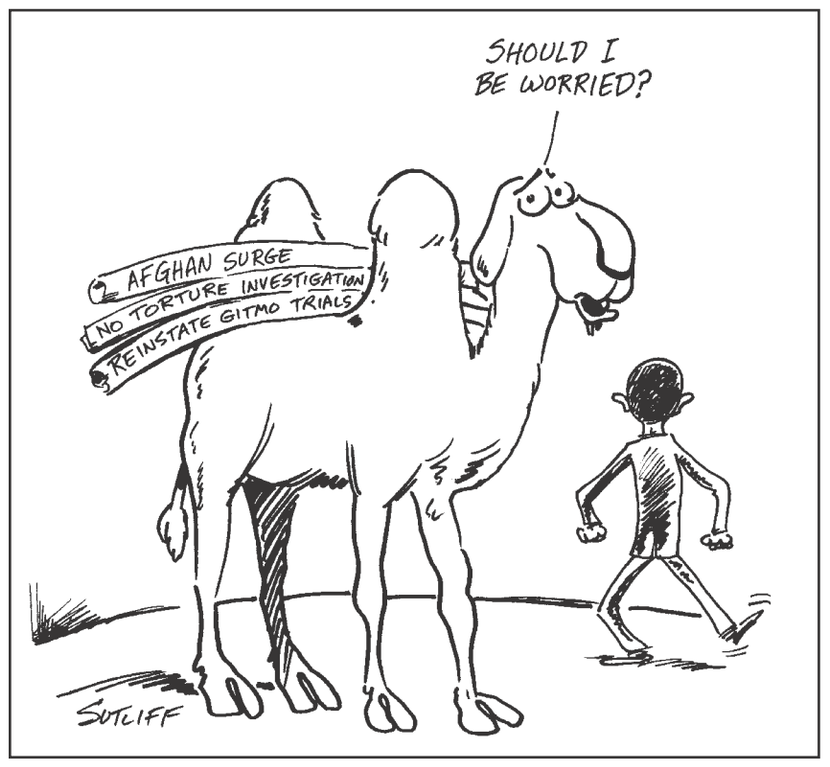
What is this enormous waste of resources that America does not have accomplishing besides enriching the American munitions industry?

China and to some extent India are the rising powers in the world. Russia, the largest country on earth, is armed with a nuclear arsenal as terrifying as the American one. The US dollar's role as reserve currency, the most important source of American power, is undermined by the budget deficits that result from the munition corporations' wars and the bankster bailouts.

Why is the US making itself impotent by fighting wars that have nothing whatsoever to do with its security, wars that are, in fact, threatening its security?

The answer is that the military/security lobby, the financial gangsters, and AIPAC rule. The American people be damned.

Paul Craig Roberts was Assistant Secretary of the Treasury in the Reagan administration. He was Associate Editor of the Wall Street Journal *editorial page and Contributing Editor of* National Review. *He is coauthor of* The Tyranny of Good Intentions. *He has held numerous academic appointments, including the William E. Simon Chair, Center for Strategic and International Studies, Georgetown University, and Senior Research Fellow, Hoover Institution, Stanford University.*



Rock Creek Free Press
5512 Huntington Parkway
Bethesda, MD 20814

A Community Supported Newspaper

This newspaper is not funded by advertisers. We are supported by our readers and subscribers. Subscribe by calling (301) 452-0090 or online at www.RockCreekFreePress.com or send your subscription to the address above. Home delivery is just $25/year.

Managing Editor: Matt Sullivan
Health Editor: Elaine Sullivan
Associate Editor: Louis Wolf
Staff Writer: Sheila Casey

We had help this month from: Joe Sutliff, Betsy Harmon, Erin Meyer, Joe Azar, Jill Mann

Circulation: 17,000 (aproximately 12,000 issues distributed in Washington, DC and the remainder distributed to every state of the union and abroad.)

Contact us via e-mail at: editor@RockCreekFreePress.com

9/11 Truth Comes Home

By Frank Morales

It's spring 2009 in New York City and an unannounced US government plane streaks across town. Recollecting the horrors of 9/11, the incident scares the he-be-gee-bees out of the citizenry. Meanwhile, US Senator Charles E. Schumer, recently attending an April 18th "Tour of the Battenkill" annual bicycle race in Cambridge, New York, responds to a question regarding efforts here to establish a new 9/11 investigation. Lending his qualified support to such an inquiry, he says that he's positively disposed toward a new investigation into the events of 9/11, though his support for such a probe would depend on the form it would take. "I think it's not a bad idea," he said. "You know, you've got to do it in a good way, but yes, I'd be for it."

Schumer is not the first to call for a new (real) investigation into the crimes on 9/11. The list is long and it's growing. A small sampling of some of the more notable adherents to this call include former president Jimmy Carter, who, when asked if he'd support family members who want a new investigation into 9/11, stated that, "Yeah, I don't have anything to do with it, but I certainly would. It would be nice." Former Senator Mike Gravel, who long ago brought the Pentagon Papers to the US Congress, supports the call as well. As does his friend Daniel Ellsberg, the original recipient of said document. Republican Senator Lincoln Chafee wants to see a new investigation, as does former Minnesota Governor Jesse Ventura. He and other members of Political Leaders for 9/11 Truth (including Curt Weldon and Cynthia McKinney) are "calling for a new, independent investigation of 9/11 that takes account of evidence that has been documented by independent researchers but thus far ignored by governments and the mainstream media."

On the international front, former Italian President Francesco Cossiga, UK MP Michael Meacher, Japanese MP Fujita Yukihisa, and former German Defense Secretary Andreas von Bulow have all expressed support for a new inquiry into the September 2001 attacks. So has British MP George Galloway who put it this way: "The failure of the Bush Administration to properly investigate, maybe for self-serving reasons, because it would have shown them to be monumentally incompetent, or something more sinister than that, is another argument that is beginning to be established." "We don't know everything," and because "there are lots of questions," there is "definitely the need for more investigation."

Noted historian and author Gore Vidal, prior to the last elections, stated that, "I think one advantage of having a Democratic House of Representatives after the coming election will be that we can have a new commission investigate 9/11 and the events leading up to our attacks on two innocent countries, Iraq and Afghanistan. It's about time that we begin to clean up our own house before we find that an international tribunal has summoned our leaders to The Hague in chains to put them on trial."

Recently, when responding to calls for a federal torture commission to look into the criminal methods of the Bush junta, constitutional lawyer and professor Jonathan Turley offered some very disparaging remarks concerning the 9/11 Commission when he stated, with some disdain, that, "God help us if the only thing we get out of this is a commission modeled on 9/11." "That was a commission," he said, "that was really made for Washington — a commission composed of political appointees of both parties that ran interference for those parties — a commission that insisted at the beginning it would not impose blame on individuals. So it's the ideal Washington commission — a commission that would investigate without any repercussions."

Why, even Thomas Kean and Lee Hamilton, ostensible heads of the federal Commission, the body tasked with getting to the truth of what happened, which many now feel was set up only to concoct and rationalize the official story in the first place; even they admitted that their own commission was "set up to fail."

Hollywood has been far from silent on this matter as well. Scores of actors, directors, performers and entertainers have publicly expressed their disavowal of the official story and are calling for a fresh look at the events of 9/11, including Charlie and Martin Sheen, Christine Ebersol, Michael Moore, Mark Ruffalo, Rosie O'Donnell, James Brolin, David Lynch, Daniel Sunjata, Ed Asner, Willie Nelson and Richard Linklater.

Finally, let's not forget, as Ralph Nader has reminded us, that the Bush "government didn't even want to have an inquiry" at all, and that the inquiry the 9/11 Commission did eventually carry out, with ground rules set up by its executive director Philip Zelikow, a Condi Rice confidant, insured, according to Nader, that "they weren't going to name names, or hold anybody responsible." "So right

See 9/11 TRUTH p. 5

How US Officials Circumvented the Bill of Rights

By Jacob G. Hornberger

In another embrace of President Bush's war-on-terrorism policies, President Obama has announced that he might retain the Pentagon's military-commission system to try people accused of terrorism. Apparently, the president, like the US military, lacks confidence in the federal judicial system established by the Framers of the Constitution to handle criminal cases involving terrorism.

For those who still doubt whether terrorism is a crime, their doubts have been laid to rest by several US federal judges, most recently in the José Padilla case. Padilla, who is an American citizen, started his long journey as a criminal defendant in US federal court. On the eve of trial, the government transferred him to the control of the Pentagon, converting his status to that of "enemy combatant" in the war on terrorism. For five years, he was tortured and denied a trial, before US officials suddenly transferred him back to the status of a criminal defendant, securing a federal grand-jury indictment against him for violating federal criminal statutes relating to terrorism.

Padilla recently pled guilty to terrorism in US district court. A federal judge accepted his plea of guilty to that criminal offense. Would a federal judge accept a plea of guilty to a federal crime that wasn't really a crime? Not likely, especially when the crime is written in the federal statute books, having been duly enacted into law by the US Congress.

The federal judge in the Padilla case isn't the only one who has acknowledged that terrorism is a crime. In the case of Zacarias Moussaoui, a foreigner who was charged with conspiracy to commit terrorism, the federal judge accepted Moussaoui's plea of guilty to a federal crime, to wit, terrorism.

Moreover, there are federal judges around the United States who have sentenced people to terms in the federal penitentiary after they have been found guilty of the federal crime of terrorism. These include Ramzi Yousef, one of the terrorists who reportedly attacked the World Trade Center in 1993.

In fact, to belabor the obvious, the US Justice Department itself has implicitly acknowledged that terrorism is a crime, for it is the Justice Department that has secured grand-jury indictments and prosecuted many defendants for the criminal offense of terrorism.

I repeat: terrorism is a crime. No one can deny that, especially given the federal proceedings involving Padilla, Moussaoui, and many others who have been tried for terrorism.

So why is there a class of people who are accused of terrorism who are being treated differently than Padilla, Moussaoui, and others who have been prosecuted for terrorism in US district courts? That is, under what justification are some accused terrorists provided one route – i.e., the federal court route – for determining their guilt and their punishment while others are subjected to another route – i.e., the military-commission route?

The answer to that question involves an examination of one of the cleverest and most devious processes ever devised by the lovers of power, one that has enabled US officials to circumvent the procedural protections outlined in the Bill of Rights, the very thing that the Framers and our American ancestors tried to prevent.

Let's first refresh our recollections as to the purpose of the Constitution and the Bill of Rights. The Constitution called into existence the federal government. But our American ancestors understood that the federal government might well prove to be the greatest danger to their freedom and well-being. That's in fact why so many of our American ancestors opposed even establishing a federal government.

Thus, the Framers used the Constitution to ensure that the federal government they were establishing would always remain weak and divided. That was the idea behind setting forth enumerated powers and division of powers.

That wasn't good enough for the American people, however. They still didn't like the idea of establishing a federal government, but they went along with the deal on one condition: that immediately after ratification, the Constitution would be amended with a Bill of Rights, which is what happened.

The Bill of Rights contains restrictions on federal power relating to the arrest, prosecution, and punishment of people accused of violating federal criminal laws. These include provisions relating to search and seizure, indictment, a person's right to remain silent, the right to an attorney, the right to trial by jury, the right to confront witnesses, and the right to be free of cruel and unusual punishments.

Why did our American ancestors insist on the inclusion of those express guarantees in criminal cases? Because they believed that without them, the federal government would simply arrest people, especially people they didn't like, and inflict harm on them. To ensure that would not happen, our American ancestors declared, "We're reluctantly going to permit a federal government to come into existence despite our misgivings. But here are the rules under which you people must operate. If you

See BILL OF RIGHTS p. 8

NY Times' Pulitzer Winner, David Barstow

The Pulitzer Prize Winning Story The Networks Won't Report

PULITZER from p. 1

interviews show how the Bush administration has used its control over access and information in an effort to transform the analysts into a kind of media Trojan horse — an instrument intended to shape terrorism coverage from inside the major TV and radio networks."

The blatant refusal of the TV and cable news organizations involved to even mention what Barstow uncovered in his reporting, reveals a lot about the depth of the networks' involvement in the deception. In fact, many of the Pentagon sponsored "analysts" named in Barstow's story are still employed, still being given air time and are still spinning their views at the very same cable news outlets that now refuse to inform viewers about this Pulitzer Prize winning story.

NBC's Brian Williams is singled out for particular criticism from Media Matters. "For his refusal to inform his readers about this now-Pulitzer-winning story is particularly notable given his direct personal involvement in the secret, joint attempts by NBC and McCaffrey to contain PR damage to NBC from Barstow's story, compounded by the fact that NBC was on notice for these multiple conflicts as early as April, 2003, when *The Nation* first reported on them." In fact, in the very same broadcast in which Williams concealed from his viewers any mention of the Pulitzer Prize winning story about the Pentagon propaganda program, he hosted commentary from one of the retired generals involved in that propaganda program.

Glenn Greenwald reported in *Salon* magazine that "CNN ran an 898-word story on the various Pulitzer winners — describing virtually every winner — but was simply unable to find any space even to mention David Barstow's name, let alone inform their readers that he won the Prize for uncovering core corruption at the heart of CNN's coverage of the Iraq War and other military-related matters. No other major television news outlet implicated by Barstow's story mentioned his award, at least as far as I can tell."

Even Congress has gotten involved, since government propaganda directed at the American public is clearly illegal. When Barstow's stories first ran in April of 2008, Congress members were so concerned that 45 of them signed a letter requesting that the office of DoD Inspector General (IG) investigate the charges including claims that some of the retired generals had financial ties to defense contractors who benefited from their appearances.

In January of 2009 the IG released a report saying that its investigation could find no evidence of a concerted effort to assemble a group of talking heads who could be depended on to talk up DoD policy, and could not identify any retired military analysts (RMA's) who had used their role in the imbedded analyst program to benefit a company with which they had ties.

Congressional critics called the report a "whitewash".

On May 5, the Defense Department Inspector General's office announced that it was withdrawing its report on the Pentagon pundit program, even taking the unusual step of removing the file from its website. "Shortly after publishing the report ... we became aware of inaccuracies in the data," states the withdrawal memo from the Inspector General's office. The office's internal review of the report — which it has "refused to release," according to the *Times* — "concluded that the report did not meet accepted quality standards." The report relied on "insufficient or inconclusive" evidence, the memo admits. The Pentagon pundit program "has been terminated, and responsible senior officials are no longer employed by the Department."

While the Defense department has withdrawn the whitewash report it is still refusing to investigate the propaganda program. While it says the program has been terminated we still have the Pentagon sponsored pundits appearing regularly on the "news". While Congress complains, they have not taken action. Unsurprisingly, the networks refuse to cover their own criminal behavior. Now it's up to Congress to demand that the Government Accountability Office and the Federal Communications Commission pursue real investigations on this (and any other) media propaganda programs.

NSA Stellar Wind Program

Warrantless Wiretaps on Journalists and Public Officials

STELLAR WIND from p. 1

was a now infamous scene of White House Chief of Staff Andrew Card and White House Counsel Alberto Gonzales demanding that a barely conscious Ashcroft re-certify "the program". Comey, with Ashcroft's wife by the bedside of her husband, were present as Card and Gonzales demanded that Ashcroft re-certify the surveillance program. Ashcroft said Comey was the attorney general. The mini-rebellion within the top echelons of the Bush administration resulted in the White House re-authorizing the illegal Stellar Wind without the concurrence of the Department of Justice. Bush called his illegal surveillance program, using NSA to spy on innocent Americans, the "crown jewels of national security."

WMR has also learned that the ranking Democrat on the House Judiciary Committee, John Conyers, was, after the 2004 Ashcroft hospital scene, informed of the illegal wiretap program. Conyers took no action when informed by a contact within the Justice Department and replied in an email to the contact, "Whistleblowers don't fare very well."

Conyers also refused to take any action when NSA employees like Russell Tice, familiar with the illegal NSA program, validated the information about "The Program" that was coming from within the Justice Department. Congress, including then-Senator Barack Obama, gave telecommunications companies like AT&T and Verizon, which were cooperating in the illegal NSA surveillance program, immunity from prosecution. These telecommunications firms maintained a number of "secret rooms" at their major switching centers that allowed NSA to conduct illegal surveillance on Americans.

WMR has also learned that one of the main architects of the Stellar Wind program was Vice President Dick Cheney's then-chief counsel David Addington. Cheney and Addington decided to keep a number of details of the super-classified Stellar Wind program secret from the Congress. What we were told is that "Cheney did not view Congress as a co-equal branch" of the executive. The so-called "unitary executive", which has powers greater than the legislative and judicial branches, in violation of the US Constitution, was an idea that was being pushed by Addington and other officials within the Bush White House.

WMR has also discovered that Addington once joked about "blowing up the FISA Court."

Sources have also told WMR that there was a "pre-disposition" by the Bush White House to implementing Stellar Wind prior to 9/11. Cheney was also particularly fond of using NSA to illegally spy on Americans. The Stellar Wind program was so classified that Comey's predecessor as Deputy Attorney General, Larry Thompson, was never "read into" the special access program that minimally required a Top Secret/Special Compartmented Information (TS/SCI) security clerance along with clearance to the Stellar Wind program.

WMR has learned from informed sources familiar with Stellar Wind that it was used to create a Richard Nixon-style "enemies list" and that one of the victims of the surveillance of his transactional data and communications traffic was New York's then-Governor Eliot Spitzer. Spitzer's Internet web page visits, e-mails, credit card transactions, and phone calls were all used by the Bush administration to discover his activities with a New York escort service and bring about his humiliation and resignation from office.

The NSA, when it learned something juicy about a public official like Spitzer, would scrub the information of all "intelligence sources and methods" including the involvement of companies like AT&T and Verizon, and provide it to Justice Department prosecutors for action or to White House political operatives for a political sting operation targeting the individual eavesdropped upon.

There is also reason to believe that Stellar Wind was used to eavesdrop on Illinois Democratic Governor Rod Blagojevich, New Mexico Democratic Governor Bill Richardson, New Jersey Democratic Governor Jon Corzine, former North Carolina Democratic Senator and presidential candidate John Edwards, and then-Illinois Democratic Senator and current President Barack Obama to "dig up" political dirt by the Bush-Cheney White House.

Others on the Bush-Cheney enemies list subject to surveillance were certainly those opposed to the Iraq War. Ironically, one of those who may have been subjected to NSA surveillance was the late former NSA director under Ronald Reagan, General William Odom, one of the earliest retired military top brass who came out publicly in opposition to the Iraq war and warrantless wiretapping.

It is important to note that while the NSA and White House Stellar Wind operation minimized intelligence reports, in a normal and legal Foreign Intelligence Surveillance Court warrant, there is no such minimization of sources and methods. Foreign Intelligence Surveillance Act (FISA) warrants must be specific as to their relevance to a counter-intelligence or counter-terrorism investigation. However, the illegal Stellar Wind reports merely provided incriminating information without providing sources, methods, or justification information since no judicial concurrence was necessary. Under a FISA warrant, a target may only be wiretapped for 90 days in foreign counterintelligence cases. WMR has learned that during the Bush administration, FISA warrants were obtained by NSA on a number of foreign dignitaries visiting the United States. In addition, FISA warrants were issued for anyone, including American citizens, with Middle Eastern names who traveled to the Middle East. The warrants were requested even though there was no evidence that they were connected to any terrorist organizations.

WMR has also learned that John Bolton, while Undersecretary of State for Arms Control and International Security, used Stellar Wind to target a number of US ambassadors, especially those career diplomats who were known to privately oppose the Bush administration's war against Iraq. One of those ambassadors was likely John Danforth, former Republican Senator from Missouri, who resigned in December 2004 as US ambassador to the UN after less than six months in office. Danforth cited "policy differences" with the State Department. Danforth's resignation followed by a few weeks that of Secretary of State Colin Powell, who was also subjected to NSA eavesdropping.

WMR previously reported that Bolton received NSA transcripts of phone conversations between his boss, Powell, and New Mexico Governor Bill Richardson concerning back-channel nuclear talks with North Korean diplomats in New York.

We have also learned that journalists were high on the list for surveillance by the Bush White House under the Stellar Wind program. In December 2005, WMR first reported on a CIA/NSA program called Firstfruits that was authorized in October 2004. This program consisted of a "database that contained both the articles and the transcripts of telephone and other communications of particular Washington journalists known to report on sensitive US intelligence activities, particularly those involving NSA." Targeted journalists, reported by NSA sources, included author James Bamford, the *New York Times*' James Risen, the *Washington Post*'s Vernon Loeb, the *New Yorker*'s Seymour Hersh, the *Washington Times*' Bill Gertz, UPI's John C. K. Daly, and this editor [Wayne Madsen].

Risen was one of the *New York Times* journalists who first became aware of the illegal NSA intercept program. The other was Eric Lichtblau, the author of *Bush's Law: The Remaking of American Justice*.

Wayne Madsen is a Washington based investigative journalist. www.WayneMadsenReport.com

New York "Terror Plot"

Another Government Provocateured Set-Up

NY TERROR from p. 1

that this was a case of entrapment, which is only confirmed when we learn that, "The FBI and other agencies monitored the men and provided an inactive missile and inert C-4 to the informant for the defendants." (Tom McElroy, *AP* May 21, 2009)

Senator Charles Schumer, D-NY, said that "the group was relatively unsophisticated, penetrated early and not connected to any outside group."

Once again, the FBI identified a disparate group of men that shared the majority of the country's opinion that the war on terror was wrong, radicalized them, offered them cash incentives for following the lead of the FBI informant and then finally, after a year, got them to accept fake weapons. As in every other case, without the involvement of the FBI informant, there would have been no "terror plot" to speak of.

The feds cooked up a phony terror plot and pinned it on these poor suckers so that they could launch a new PR assault for the flagging war on terror and get Americans to submit to increased surveillance, bag searches and checkpoints that are now commonplace in New York City.

As in every other case we have studied, the men turned out to be a semi-retarded street gang that were provocateured by FBI agents into spewing violent rhetoric yet barely had the capability to make a cheese sandwich, never mind bring down the tallest building in America.

This whole PR stunt in another psychological trick designed to enlist public support for the wars in Afghanistan, Pakistan and Iraq as well as a police state at home to deal with "domestic terrorists." We learn that the suspects were upset because "Muslim people were being killed in Afghanistan and Pakistan by US military forces," according to officials, the implication being that those who oppose the "war on terror" are potential terrorists themselves.

Officials have seized upon the arrests to propagandize for the police state with glee, as well as refocusing the apparatus of the war on terror to target US citizens as "homegrown terrorists".

"This latest attempt to attack our freedoms shows that the homeland security threats against New York City are sadly all too real and underscores why we must remain vigilant in our efforts to prevent terrorism," New York City Mayor Michael Bloomberg said in a statement.

"This was a long, well-planned investigation, and it shows how real the threat is from homegrown terrorists," said Rep. Peter King, of New York.

"The shocking plan to blow up a Jewish house of prayer with what the jihadist terrorists thought were C-4 explosives is dramatic proof that the dangers from such fanaticism have not passed and that American Jews must maintain their vigilance," said a statement released by the infamous Simon Wiesenthal Center, which routinely cites the threat of federally-provocateured extremists as a reason to crush everyone's free speech and virtually outlaw criticism of the government Israel and Zionist policies.

Of course it's no coincidence that this statement arrives on the heels of widespread fury surrounding the Missouri Information Analysis Center (MIAC) report and other similar federal documents that equate gun owners, people knowledgeable about the Constitution and people who display political bumper stickers, with dangerous "domestic terrorists". Officials have seized upon these arrests as a means of reinforcing the notion that "domestic terrorism" is a real threat when in reality we have never come across a "domestic terrorist" that didn't have a fed standing behind him pulling the strings.

The last such major "domestic terror plot" in America involved a group out of Miami that supposedly planned to "wage a full ground war against the United States" and bomb the Sears Tower, but who actually turned out to be "a bunch of dipshits living in a warehouse," as The Daily Show's Jon Stewart described them.

As in every other case we have studied, the men turned out to be a semi-retarded street gang that were provocateured by FBI agents into spewing violent rhetoric yet barely had the capability to make a cheese sandwich, never mind bring down the tallest building in America. What they were interested in was a promise of $50,000 in cash from the government informants who were sent in to radicalize them and create a phony victory for the war on terror.

As the *Miami New Times* newspaper described it, the "ragtag group couldn't wage a ground war on a jar of peppercorns." The whole case descended into a farce as judges repeatedly declared a mistrial while the government tried to save face. After three trials, three juries and nearly three years, the government finally managed to convict the men despite there being "little concrete evidence of an evolving plot," as in one that was not wholly provocateured by the FBI informant.

While you watch today's incessant government fearmongering and celebration of their latest "terror bust", recall how last time they pulled this stunt, and the reality of the "dipshits in a warehouse" farce unfolded, it blew up in their faces and only exposed the entire "war on terror" for what it really is - a manufactured hoax designed purely around enlisting support for bombing brown people in broken-backed third world countries while convincing Americans to accept their own enslavement at home.

Paul Watson is an investigative journalist at www.PrisonPlanet.com. He is the author of Order Out of Chaos *published in 2003.*

The Bush Torture 13

Thirteen people in the Bush administration responsible for making torture possible. They authorized it, they decided how to implement it, and they crafted the legal fig leaf to justify it.

TORTURE 13 from p. 1

lobbying Congress to protect legally those who had tortured.

Most shockingly, Cheney is reported to have ordered torture himself, even after interrogators believed detainees were cooperative. Since the 2002 OLC memo, known as "Bybee Two" that authorizes torture premises its authorization for torture on the assertion that "the interrogation team is certain that" the detainee "has additional information he refuses to divulge," Cheney appears to have ordered torture that was illegal even under the spurious guidelines of the memo.

2. David Addington, Counsel to the Vice President (2001-2005), Chief of Staff to the Vice President (2005-2009)

David Addington championed the fight to argue that the president — in his role as commander in chief — could not be bound by any law, including those prohibiting torture. He did so in two ways. He advised the lawyers drawing up the legal opinions that justified torture. In particular, he ran a "War Council" with Jim Haynes, John Yoo, John Rizzo and Alberto Gonzales (see all four below) and other trusted lawyers, which crafted and executed many of the legal approaches to the war on terror together. In addition, Addington and Cheney wielded bureaucratic carrots and sticks — notably by giving promotions to lawyers who supported these illegal policies and withholding them from those who did not.

3. Alberto Gonzales, White House Counsel (2001-2005), and Attorney General (2005-2008)

As White House counsel, Alberto Gonzales was nominally in charge of representing the president's views on legal issues, including national security issues. In that role, Gonzales wrote and reviewed a number of the legal opinions that attempted to immunize torture. Most important, in a January 25, 2002 opinion reportedly written with David Addington, Gonzales paved the way for exempting al Qaeda detainees from the Geneva Conventions. His memo claimed the "new kind of war" represented by the war against al Qaeda "renders obsolete Geneva's strict limitations on questioning of enemy prisoners." In a signal that Gonzales and Addington adopted that position to immunize torture, Gonzales argued that one advantage of not applying the Geneva Convention to al Qaeda is that it would "substantially reduce the threat of domestic criminal prosecution under the War Crimes Act." The memo even specifically foresaw the possibility of independent counsels prosecuting acts against detainees.

4. James Mitchell, Consultant

Even while Addington, Gonzales and the lawyers were beginning to build the legal framework for justifying torture, a couple of military psychologists were laying out the techniques the military would use. James Mitchell, a retired military psychologist, had been a leading expert in the military's SERE program. In December 2001, with his partner, Bruce Jessen, Mitchell reverse-engineered SERE techniques to be used to interrogate detainees. Then, in the spring of 2002, before OLC gave official legal approval to torture, Mitchell oversaw Abu Zubaydah's interrogation. Under Mitchell's guidance, interrogators used the waterboard with "far greater frequency than initially indicated" — a total of 183 times in a month for Khalid Sheikh Mohammed and 83 times in a month for Abu Zubaydah.

5. George Tenet, Director of Central Intelligence (1997-2004)

As Director of the CIA during the early years of the war against al Qaeda, Tenet had ultimate management responsibility for the CIA's program of capturing, detaining, and interrogating suspected al Qaeda members and briefed top Cabinet members on those techniques. Published reports say Tenet approved every detail of the interrogation plans:

After approval of the harsh techniques, CIA headquarters ordered Abu Zubaydah to be waterboarded even though on-site interrogators believed Zubaydah was "compliant." Since the Bybee Two memo authorizing torture required that interrogators believe the detainee had further information that could only be gained by using torture, this additional use of waterboarding was clearly illegal according to the memo.

6. Condoleezza Rice, National Security Advisor (2001-2005), Secretary of State (2005-2008)

As National Security Advisor to President Bush, Rice coordinated much of the administration's internal debate over interrogation policies. She approved (she now says she "conveyed the authorization" for) the first known officially sanctioned use of torture — the CIA's interrogation of Abu Zubaydah — on July 17, 2002. This approval was given after the torture of Zubaydah had begun and before receiving a legal OK from the OLC. The approval from the OLC was given orally in late July and in written form on August 1, 2002. Rice's approval or "convey[ance] of authorization" led directly to the intensified torture of Zubaydah.

7. John Yoo, Deputy Assistant Attorney General, Office of Legal Counsel (2001-2003)

As Deputy Assistant Attorney General of OLC focusing on national security for the first year and a half after 9/11, Yoo drafted many of the memos that would establish the torture regime, starting with the opinion claiming virtually unlimited power for the president in times of war. In all of his torture memos, Yoo ignored key precedents relating both specifically to waterboarding and to separation of powers.

8. Jay Bybee, Assistant Attorney General, Office of Legal Counsel (2001-2003)

As head of the OLC when the first torture memos were approved, Bybee signed the memos named after him that John Yoo drafted. At the time, the White House knew that Bybee wanted an appointment as a Circuit Court judge; after signing his name to memos supporting torture, he received such an appointment. Of particular concern is the timing of Bybee's approval of the torture techniques. He first approved some techniques on July 24, 2002. The next day, Jim Haynes, the Defense Department's general counsel, ordered the SERE unit of DoD to collect information including details on waterboarding.

9. William "Jim" Haynes, Defense Department General Counsel (2001-2008)

As general counsel of the Defense Department, Jim Haynes oversaw the legal analysis of interrogation techniques to be used with military detainees. Very early on, he worked as a broker between SERE professionals and the CIA. His office first asked for information on "exploiting" detainees in December 2001, which is when James Mitchell is first known to have worked on interrogation plans. And later, in July 2002, when CIA was already using torture with Abu Zubaydah but needed scientific cover before OLC would approve waterboarding, Haynes ordered the SERE team to produce such information immediately.

Later Haynes played a key role in making sure some of the techniques were adopted, with little review, by the military. He was, thus, crucial to the migration of torture to Guantánamo and then Iraq and Afghanistan.

Haynes ignored repeated warnings from within the armed services about the techniques, including statements that the techniques "may violate torture statute" and "cross the line of 'humane' treatment." On November 27, 2002, Haynes recommended that Secretary of Defense Donald Rumsfeld authorize many of the requested techniques, including stress positions, hooding, the removal of clothing, and the use of dogs — the same techniques that showed up later in the abuse at Abu Ghraib.

10. Donald Rumsfeld, Secretary of Defense (2001-2006)

As Secretary of Defense, Rumsfeld signed off on interrogation methods used in the military, notably at Abu Ghraib, Bagram Air Force Base and Guantánamo Bay. With this approval, the use of torture would move from the CIA to the military. A recent bipartisan Senate report concluded that "Secretary of Defense Donald Rumsfeld's authorization of interrogation techniques at Guantánamo Bay was a direct cause of detainee abuse there." Rumsfeld personally approved techniques including the exploitation of phobias (dogs), forced nudity and stress positions on December 2, 2002, signing a one-page memo prepared for him by Haynes. Through it all, Rumsfeld maintained a disdainful view of these techniques, at one point quipping on a memo approving harsh techniques, "I stand for eight to 10 hours a day. Why is standing limited to four hours?"

11. John Rizzo, CIA DeputyGeneral Counsel (2002-2004), Acting General Counsel of the Central Intelligence Agency (2001-2002, 2004-present)

As Deputy General Counsel and then acting general counsel for the CIA, John Rizzo's name appears on all of the known OLC opinions on torture for the CIA. For the Bybee Two memo, Rizzo provided a number of factually contested pieces of information to OLC — notably, that Abu Zubaydah was uncooperative and physically and mentally fit enough to withstand waterboarding and other enhanced techniques. Along with the description of waterboarding and other techniques, Rizzo also provided a document that called enhanced methods "torture" and deemed them unreliable — yet even with this warning, Rizzo still advocated for the CIA to get permission to use those techniques.

12. Steven Bradbury, Principal Deputy Assistant Attorney General, OLC (2004), Acting Assistant Attorney General, OLC (2005-2009)

In 2004, the CIA's inspector general wrote a report concluding that the CIA's interrogation program might violate the Convention Against Torture. It fell to Acting Assistant Attorney General Steven Bradbury to write three memos in May 2005 that would dismiss the concerns the IG Report raised — in effect, to affirm the OLC's 2002 memos legitimizing torture. He notes the CIA's doctors' cautions about the combination of using waterboarding with a physically fatigued detainee, yet in a separate memo approves the use of sleep deprivation and waterboading in tandem. He repeatedly concedes that the CIA's interrogation techniques as actually implemented, exceeded the SERE techniques, yet repeatedly points to the SERE connection to argue the methods must be legal. And, as with the Bybee One memo, Bradbury resorts to precisely the kind of appeal to exceptional circumstances — "used only as necessary to protect against grave threats" — to distinguish US interrogation techniques from the torture it so closely resembles around the world.

The Torture13 from top left: Cheney, Addington, Gonzales, Mitchell, Tenet with Bush, Rice, Yoo, Bybee, Haynes, Rumsfeld, Rizzo, Bradbury.

13. George W. Bush, President (2001-2009)

While President Bush maintained some distance from the torture for years — Cheney describes him "basically" authorizing it — he served as the chief propagandist about its efficacy and necessity. Most notably, on Sept. 6, 2006, when Bush first confessed to the program, Bush repeated the claim made to support the Bybee Two memo: that Abu Zubaydah wouldn't talk except by using torture. And in 2006, after the CIA's own inspector general had raised problems with the program, after Steven Bradbury had admitted all the ways that the torture program exceeded guidelines, Bush still claimed it was legal.

"[They] were designed to be safe, to comply with our laws, our Constitution and our treaty obligations. The Department of Justice reviewed the authorized methods extensively and determined them to be lawful."

With this statement, the deceptions and bureaucratic games all came full circle. After all, it was Bush who, on February 7, 2002, had declared the Geneva Conventions wouldn't apply (a view the Supreme Court ultimately rejected).

Bush's inaction in torture is as important as his actions. Bush failed to provide the legally required notice to Congress, violating National Security Decision Directive-286. What Bush did not say is as legally important as what he did say.

Yet, ultimately, Bush and whatever approval he gave the program are at the center of the administration's embrace of torture. Condoleezza Rice recently said, "By definition, if it was authorized by the president, it did not violate our obligations in the Convention Against Torture." While Rice has tried to reframe her statement, it uses the same logic used by John Yoo and David Addington to justify the program, the shocking claim that international and domestic laws cannot bind the president in times of war. Bush's close allies still insist that if he authorized it, it couldn't be torture.

Marcy Wheeler writes as "emptywheel" at FireDogLake.com and is the author of "Anatomy of Deceit." She has written extensively on the Bush Administration's abuses of power, including warrantless wiretapping, the exposure of Valerie Plame, and torture. She recently won the 2009 Hillman Award for blogging.

9/11 Truth Comes Home

9/11 TRUTH from p. 3

from the get," says Nader, the government-sponsored investigation of 9/11 "was flawed" and consequently, "there needs to be another one, and the best place to have it is New York City."

Well, apparently there are many who live and work here in NYC who think the same thing. In fact, 40,000 of them and counting! Going by the name of NYC CAN or the New York City Coalition for Accountability Now (nyccan.org), the organization has gathered more than 40,000 signatures toward a ballot initiative for this coming November 2009 which will allow the voters of NYC to sanction a new investigation of 9/11, an investigation with teeth, with subpoena power, and with a scope of inquiry that promises to leave no stone unturned.

In essence, NYC CAN represents the global 9/11 Truth Movement come home. Having spread its critical spirit and zeal for an honest rendering of this most heinous crime, its truth has comes marching home, home to New York City, to the scene of the crime, come home in the form of a serious movement for a new investigation. Given the energy and support behind their efforts, they just may succeed in putting the matter of an authentic investigation of 9/11 on this November's ballot and, in the process, open up the mother of all cans of worms.

How do we account for the success thus far of the NYC CAN campaign? In part, it's due to the massive national and international groundswell of inquiry and questioning of the official version of events of 9/11, a "truth movement" which emerged soon after the crimes of that day which has shown no sign of letting up, all the while effectively having demonstrated its central claim that the official story of 9/11 is a fraud, a fraud which has for some assumed the stature of a religious myth, albeit a misguided "patriotic faith" which has blinded many to the obvious flaws and contradictions in the official story.

Over the last few years, this Truth Movement, championed by websites like Patriotsquestion911.com has grown more extensive, more insistent, more committed and, critically, more professionally based. No longer simply a discrete coterie of computer-based researchers and such, the movement now includes hundreds of architects, scientists, scholars, religious leaders, engineers, piolts, politicians, military and intelligence officials and other expert medical and legal professionals who are demanding a fresh inquiry, and are backing up their call with profound and convincing argumentation, often scientifically-based argumentation.

Though habitually ignored if not smeared by the corporate, as well as the so-called left media, it nonetheless continues to grow, along with its insistence on accountability, its insistence that there is more to the picture of 9/11 than 19 evil Muslims hell bent on our destruction, its insistence that the facts may in fact point to an "inside job," its insistence that the best way to honor the fallen is through the acquisition of justice.

Hence, NYC CAN, which for its part, avoids taking positions as to the veracity of this or that aspect of the crime, has begun to flower in the heart of the Big Apple. Its simple focus on a new and authentic investigation has engendered solid and growing support both within and without the truth movement. Recently, its executive council, composed of family members, first responders and survivors, released a call to the public (available on their website) seeking support and donations for the effort, funds which are used to pay the scores of NYC CAN petitioners who daily hit the streets gathering signatures at the rate of "a buck a signature," according to Ted Walter, the young and able executive director of NYC CAN.

Let us recall that in the months after September 11, a handful of the victims' families joined together to demand an independent investigation into the government's failure to defend its citizens on that tragic morning, leading to the formation of the 9/11 Commission and signed into existence, despite the foot dragging on the part of the powers that be, on November 27, 2002. Having thoroughly researched every aspect of the attacks, the Family Steering Committee provided the Commission with 400 questions that would need to be answered for the Commission to fulfill its mandate.

Long story short, after 18 months of proceedings and the release of the Commission's Final Report on July 22, 2004, the Family Steering Committee determined that only a small percentage of its questions had been answered, leaving many, many questions still unanswered. In short, they never attained what they deserved.

The validity of the federal Commission's findings were further undermined by several factors, including contradictory accounts from the Federal Aviation Administration and the military, stonewalling from the Bush Administration, conflicts of interest among key personnel in the Commission, and the Commission's failure to hold a single individual accountable for the numerous failures leading up to, on, and after September 11.

Now, following the release of the 9/11 Commission Report in 2004, a Zogby poll revealed that 66% of New Yorkers are in favor of another investigation to address the "still unanswered questions." Hence, NYC CAN, has come together to deliver to the 9/11 Families, ailing First Responders, New Yorkers and the world what they deserve: a real investigation of 9/11.

How? New York City voters have the power to mandate legally the formation of a new investigation with subpoena power by petitioning to place a referendum on the ballot in the November 2009 General Election. With the passage of this referendum, New York City will take the first giant step toward truth and justice. Contact NYC CAN if you know in your head that the truth of 9/11 remains hidden, if you know in your heart that it's the right thing to do, if you know in your soul that the victims and their families cry out for justice. Sign the petition now, volunteer, join NYC CAN as a member, and let's bring the truth of 9/11 home where it belongs, right here in New York City.

Frank Morales is an Episcopal priest, a squatter and author of Police State America *[Arm the Spirit, 2003] and a participant in the New York* City Ballot Initiative Campaign, nyc911initiative.org

Judge Rejects Gitmo Prosecutions

District Court Condemns 'Mosaic of Evidence' Theory and Unreliable Witnesses

KESSLER from p. 1

However, although Judge Richard Leon dismissed the testimony of two witnesses in Guantánamo four months ago in the case of the Saudi resident and Chadian national Mohammed El-Gharani, stating that "the credibility and reliability of the detainees being relied upon by the government has either been directly called into question by government personnel or has been characterized by government personnel as undermined," the May 13, 2009 45-page ruling reveals (despite extensive redactions) that Judge Kessler expressed even more comprehensive doubts about both the reliability of witnesses in Guantánamo and the overall quality of the government's supposed evidence. This will, I believe, have a knock-on effect on other cases, and may well be causing tremors of fear in those parts of the Justice Department and the Pentagon where, bizarrely, all indications suggest that, despite the change of administration, career officials who worked under George W. Bush are behaving as though it is still business as usual.

The case against Alla Ali Bin Ali Ahmed

Ali Ahmed, who was seized with at least 15 other prisoners in a raid on a house in Faisalabad, Pakistan, on March 28, 2002 (on the same night that the alleged senior al Qaeda operative Abu Zubaydah was captured in another house raid), has always stated that he traveled to Afghanistan "in order to find a religious school at which to study the Koran," as Judge Kessler described it, and "denies ever going to Afghanistan, training at an al Qaeda camp, fighting against anyone, or being a member of a terrorist group."

In a military review board at Guantánamo in 2007, he explained that he traveled to Pakistan, on a one-month visa "to learn the Koran so he could be a teacher" but ended up stuck in the guest house "because the situation at that time was they were arresting any Arab that was found there in Pakistan so we were just sitting and waiting in that house."

In its case against him, the government drew on allegations made by four prisoners in Guantánamo, and attempted to rely on a "mosaic theory" of intelligence. As Judge Kessler described it, drawing on documents submitted by the government, [the] theory is that each of these allegations — and even the individual pieces of evidence supporting these allegations — should not be examined in isolation. Rather, "[t]he probity of any single piece of evidence should be evaluated based on the evidence as a whole," to determine whether, when considered "as a whole," the evidence supporting these allegations comes together to create a "mosaic" that shows the petitioner to be justifiably detained.

Judge Kessler then noted that, although it "may well be true" that "use of the mosaic approach is a common and well-established mode of analysis in the intelligence community, … at this point in this long, drawn-out litigation, the Court's obligation is to make findings of fact and conclusions of law" to consider the government's case. After pointing out that the mosaic theory "is only as persuasive as the tiles which compose it and the glue which binds them together," she then proceeded to highlight a catalog of deficiencies in the tiles and the glue.

Judge dismisses the testimony of four witnesses

Dealing first with the witnesses, she excluded the testimony of the first, "whose credibility has been cast into serious doubt — and rejected" by Judge Leon in the case of Mohammed El-Gharani. Noting that he "has made accusations against a number of detainees" at Guantánamo and that "many of those accusations have been called into question by the government," Judge Kessler dismissed his claim that he "overheard" conversations at Guantánamo about Ali Ahmed's travels in Afghanistan, stating that, "In addition to coming from an unreliable witness," it was "based upon multiple levels of hearsay."

Judge Kessler then dismissed the testimony of a second witness, whose allegation was redacted, because he had made several contradictory statements to interrogators and, moreover, because his allegation was "riddled … with equivocation and speculation" and also dismissed the account of a third witness, who claimed to have seen Ali Ahmed while he was allegedly being smuggled from Afghanistan to Pakistan because, as Ali Ahmed stated, he "has been diagnosed by military medical staff as having a 'psychosis.'"

Judge Kessler was particularly troubled that Ali Ahmed "learned of the witness's medical condition only through the diligent work of his counsel and not as a result of the government's obligation to provide him exculpatory information." She was also unimpressed that the witness provided "inconsistent identifications" and was concerned by "evidence that [he] underwent torture" at Bagram and in the CIA's "Dark Prison" near Kabul, "which may well have affected the accuracy of the information he supplied to interrogators."

According to the government, the last witness, identified as al-Qahtani (probably Jabran al-Qahtani, an alleged al Qaeda operative who was captured with Abu Zubaydah), identified Ali Ahmed from a photograph shown to him in Bagram as someone who had received military training near Kabul. However, Judge Kessler dismissed this statement when it became apparent that, in Bagram, where Ali Ahmed had been given the prisoner number 191, the government admitted that two detainees were given this same number," and she therefore concluded that it was "completely unclear" to whom the allegation referred.

Judge dismisses the "mosaic" theory of intelligence

While the dismissal of all four witnesses' statements fatally undermined the government's case, Judge Kessler also took apart the "mosaic theory" conjured up from the prisoners' statements, which purported to show that Ali Ahmed trained and fought in Afghanistan and was associated with al Qaeda because of his presence in the guest house in Faisalabad.

Dismissing the claim that he fought in Afghanistan, Judge Kessler noted that, bizarrely, the government asked that his "participation in battle be inferred from a web of statements made by witnesses who were commenting on [his] non-military activity," suggesting that military activity could be inferred because the witnesses claimed that Ali Ahmed undertook military training in Afghanistan and "stayed in the company of al Qaeda fighters," and "because Ali Ahmed's denial of such behavior is not credible."

Noting that "The government's position on this charge rests on its mosaic theory," Judge Kessler added decisively, "The theory cannot support the charge," and proceeded to explain that it was "extremely significant" that there was "absolutely no 'direct' evidence, at whatever hearsay level, of Ali Ahmed's participation in battle." She also made the following withering dismissal of the government's claims:

"Even if the evidence is to be believed that Petitioner's story is false and that he was in Afghanistan, there simply is no affirmative proof that he took up arms. The Court will not make the leap that the government does."

The long reach of Judge Kessler's ruling

As a result, Judge Kessler's ruling casts serious doubts on the wisdom of pursuing the cases of the other men seized in the house, except, perhaps, for those few who, as the government described it, "admitted to fighting with enemy forces" — although even these bold statements may prove, under scrutiny, to be rather less clear-cut.

As David Remes explained to me, "Judge Kessler's opinion exposes the flimsiness of the government's evidence and blows a hole in many of the government's cases. Specifically, the court rejected the government's reliance on guilt-by-association and accusers of dubious reliability. These are two of the pillars of the government's cases against many if not most of the prisoners. The opinion also shows that the courts will not give the government the unquestioning deference it has been counting on to win its cases. If the other judges of the court should apply the opinion in their cases, the government's claims of detention authority will lie in tatters."

If justice is indeed to be delivered to the Guantánamo prisoners through a legal process that has taken many long years to establish and is not to be hijacked instead by the Obama administration's executive review, (which, noticeably, sidelines Congress and the judiciary in a manner that recalls the Bush years), I foresee that the release of many other prisoners will be ordered by judges in the coming months.

The government's failure to comprehend the scale of the Bush administration's cruelty and ineptitude

No one in the Obama administration should be surprised that so many of the Guantánamo cases will not stand up in a court of law, but I find myself surprised that senior officials seem to have been content to let a Bush-era approach to prosecution survive unchanged in the offices of the Justice Department and the Pentagon. Perhaps, they haven't been informed that the reason that there is no case against most of these men is because torture, coercion and bribery were used to fill in the blanks when the majority of these men were sold to the US military by their Afghan and Pakistani allies, who handed them over with a smile, and a simple phrase, "This man is an al-Qaeda/Taliban fighter. You owe me $5,000."

This article was edited for length, the complete report can be found at CommonDreams.org

Andy Worthington is the author of The Guantánamo Files: The Stories of the 774 Detainees in America's Illegal Prison *(published by Pluto Press, distributed by Macmillan in the US, and available from Amazon.com).*

History's Lessons

The Case of the Missing H-Bomb:

The Pentagon Has Lost the Mother of All Weapons

By Jeffrey St. Clair

Fifty years have passed since a damaged jet dropped a hydrogen bomb near Savannah, Georgia — and the Pentagon still can't find it.

Things go missing. It's to be expected. Even at the Pentagon. In October 2008, the Pentagon's inspector general reported that the military's accountants had misplaced a destroyer, several tanks and armored personnel carriers, hundreds of machine guns, rounds of ammo, grenade launchers and some surface-to-air missiles. In all, nearly $8 billion in weapons were AWOL.

Those anomalies are bad enough. But what's truly chilling is the fact that the Pentagon has lost track of the mother of all weapons, a hydrogen bomb. The thermonuclear weapon, designed to incinerate Moscow, has been sitting somewhere off the coast of Savannah, Georgia for the past 50 years. The Air Force has gone to greater lengths to conceal the mishap than to locate the bomb and secure it.

On the night of February 5, 1958, a B-47 Stratojet bomber carrying a hydrogen bomb on a night training flight off the Georgia coast collided with an F-86 Saberjet fighter at 36,000 feet. The collision destroyed the fighter and severely damaged a wing of the bomber, leaving one of its engines partially dislodged. The bomber's pilot, Maj. Howard Richardson, was instructed to jettison the H-bomb before attempting a landing. Richardson dropped the bomb into the shallow waters of Wassaw Sound near the mouth of the Savannah River a few miles from the city of Tybee Island, where he believed the bomb would be swiftly recovered.

The Pentagon recorded the incident in a top secret memo to the chairman of the Atomic Energy Commission (AEC). The memo has been partially declassified: "A B-47 aircraft with a [word redacted] nuclear weapon aboard was damaged in a collision with an F-86 aircraft near Sylvania, Georgia, on February 5, 1958. The B-47 aircraft attempted three times unsuccessfully to land with the weapon. The weapon was then jettisoned visually over water off the mouth of the Savannah River. No detonation was observed."

Soon search and rescue teams were sent to the site. Wassaw Sound was mysteriously cordoned off by Air Force troops. For six weeks, the Air Force looked for the bomb without success. Underwater divers scoured the depths, troops tromped through nearby salt marshes, and a blimp hovered over the area attempting to spot a hole or crater in the beach or swamp. Then just a month later, the search was abruptly halted. The Air Force sent its forces to Florence, South Carolina, where another H-bomb had been accidentally dropped by a B-47. The bomb's 200 pounds of TNT exploded on impact, sending radioactive debris across the landscape. The explosion caused extensive property damage and several injuries on the ground. Fortunately, the nuke itself didn't detonate.

The search teams never returned to Tybee Island, and the affair of the missing H-bomb was discreetly covered up. The end of the search was noted in a partially declassified memo from the Pentagon to the AEC, in which the Air Force politely requested a new H-bomb to replace the one it had lost. "The search for this weapon was discontinued on 4-16-58 and the weapon is considered irretrievably lost. It is requested that one [phrase redacted] weapon be made available for release to the DoD as a replacement."

B-47 Stratojet bomber

There was a big problem, of course, and the Pentagon knew it. In the first three months of 1958 alone, the Air Force had four major accidents involving H-bombs. (Since 1945, the United States has lost 11 nuclear weapons.) The Tybee Island bomb remained a threat, as the AEC acknowledged in a June 10, 1958 classified memo to Congress: "There exists the possibility of accidental discovery of the unrecovered weapon through dredging or construction in the probable impact area. … The Department of Defense has been requested to monitor all dredging and construction activities."

But the wizards of Armageddon saw it less as a security, safety or ecological problem than a potential public relations disaster that could turn an already paranoid population against their ambitious nuclear project. The Pentagon and the AEC tried to squelch media interest in the issue by doling out a morsel of candor and a lot of misdirection. In a joint statement to the press, the Defense Department and the AEC admitted that radioactivity could be "scattered" by the detonation of the high explosives in the H-bombs. But the letter downplayed possibility of that ever happening: "The likelihood that a particular accident would involve a nuclear weapon is extremely limited."

In fact, that scenario had already occurred and would occur again.

That's where the matter stood for more than 42 years until a deep sea salvage company, run by former Air Force personnel and a CIA agent, disclosed the existence of the bomb and offered to locate it for a million dollars. Along with recently declassified documents, the disclosure prompted fear and outrage among coastal residents and calls for a congressional investigation into the incident itself and why the Pentagon had stopped looking for the missing bomb. "We're horrified because some of that information has been covered up for years," said Rep. Jack Kingston, a Georgia Republican

The cover-up continues. The Air Force, however, has told local residents and the congressional delegation that there was nothing to worry about.

"We've looked into this particular issue from all angles and we're very comfortable," said Major Gen. Franklin J. "Judd" Blaisdell, deputy chief of staff for air and space operations at Air Force headquarters in Washington. "Our biggest concern is that of localized heavy metal contamination."

The Air Force even has suggested that the bomb itself was not armed with a plutonium trigger. But this contention is disputed by a number of factors. Howard Dixon, a former Air Force sergeant who specialized in loading nuclear weapons onto planes, said that in his 31 years of experience he never once remembered a bomb being put on a plane that wasn't fully armed. Moreover, a newly declassified 1966 congressional testimony of W. J. Howard, then assistant secretary of defense, describes the Tybee Island bomb as a "complete weapon, a bomb with a nuclear capsule." Howard said that the Tybee Island bomb was one of two weapons lost up to that time that contained a plutonium trigger.

Recently declassified documents show that the jettisoned bomb was an "Mk-15, Mod O" hydrogen bomb, weighing four tons and packing more than 100 times the explosive punch of the one that incinerated Hiroshima. This was the first thermonuclear weapon deployed by the Air Force and featured the relatively primitive design created by that evil genius, Edward Teller. The only fail-safe for this weapon was the physical separation of the plutonium capsule (or pit) from the weapon.

In addition to the primary nuclear capsule, the bomb also harbored a secondary nuclear explosive, or spark plug, designed to make it go thermo. This is a hollow plug about an inch in diameter made of either plutonium or highly enriched uranium (the Pentagon has never said which) that is filled with fusion fuel, most likely lithium-6 deuteride. Lithium is highly reactive in water. The plutonium in the bomb was manufactured at the Hanford Nuclear Site in Washington State and would be the oldest in the United States. That's bad news: Plutonium gets more dangerous as it ages. In addition, the bomb would contain other radioactive materials, such as uranium and beryllium.

The bomb is also charged with 400 pounds of TNT, designed to cause the plutonium trigger to implode and thus start the nuclear explosion. As the years go by, those high explosives are becoming flaky, brittle and sensitive. The bomb is most likely now buried in 5 to 15 feet of sand and slowly leaking radioactivity into the rich crabbing grounds of the Wassaw Sound. If the Pentagon can't find the Tybee Island bomb, others might. That's the conclusion of Bert Soleau, a former CIA officer who now works with ASSURE, the salvage company. Soleau, a chemical engineer, said that once located it wouldn't be difficult for someone to recover the lithium, beryllium and enriched uranium, "the essential building blocks of nuclear weapons."

What to do? Coastal residents want the weapon located and removed. "Plutonium is a nightmare, and their own people know it," said Pam O'Brien, an anti-nuke organizer from Douglassville, Georgia. "It can get in everything — your eyes, your bones, your gonads. You never get over it. They need to get that thing out of there."

The situation is reminiscent of the Palomares incident. On January 16, 1966, a B-52 bomber, carrying four hydrogen bombs, crashed while attempting to refuel in mid-air above the Spanish coast. Three of the H-bombs landed near the coastal farming village of Palomares. One of the bombs landed in a dry creek bed and was recovered, battered but relatively intact. But the TNT in two of the bombs exploded, gouging 10-foot holes in the ground and showering uranium and plutonium over a vast area. Over the next three months, more than 1,400 tons of radioactive soil and vegetation was scooped up, placed in barrels and, ironically enough, shipped back to the Savannah River Nuclear Weapons Lab, where it remains. The tomato fields near the craters were burned and buried. But there's no question that, due to strong winds and other factors, much of the contaminated soil was simply left in the area. "The total extent of the spread will never be known," concluded a 1975 report by the Defense Nuclear Agency.

The cleanup was a joint operation between Air Force personnel and members of the Spanish civil guard. The US workers wore protective clothing and were monitored for radiation exposure, but similar precautions weren't taken for their Spanish counterparts. "The Air Force was unprepared to provide adequate detection and monitoring for personnel when an aircraft accident occurred involving plutonium weapons in a remote area of a foreign country," the Air Force commander in charge of the cleanup later testified to Congress.

The fourth bomb landed eight miles offshore and was missing for several months. It was eventually located by a mini-submarine in 2,850 feet of water, where it rests to this day.

Two years later, on January 21, 1968, a similar accident occurred when a B-52 caught fire in flight above Greenland and crashed in ice-covered North Star Bay near the Thule Air Base. The impact detonated the explosives in all four of the plane's H-bombs, which scattered uranium, tritium and plutonium over a 2,000-foot radius. The intense fire melted a hole in the ice, which then refroze, encapsulating much of the debris, including the thermonuclear assembly from one of the bombs. The recovery operation, conducted in near total darkness at temperatures that plunged to minus-70 degrees, was known as Project Crested Ice. But the work crews called it "Dr. Freezelove."

More than 10,000 tons of snow and ice were cut away, put into barrels and transported to Savannah River and Oak Ridge for disposal. Other radioactive debris was simply left on site, to melt into the bay after the spring thaws. More than 3,000 workers helped in the Thule recovery effort, many of them Danish soldiers. As at Palomares, most of the American workers were offered some protective gear, but not the Danes, who did much of the most dangerous work, including filling the barrels with the debris, often by hand. The decontamination procedures were primitive to say the least. An Air Force report noted that they were cleansed "by simply brushing the snow from garments and vehicles."

Even though more than 38 Navy ships were called to assist in the recovery operation, and it was an open secret that the bombs had been lost, the Pentagon continued to lie about the situation. In one contentious exchange with the press, a Pentagon spokesman uttered this classic bit of military doublespeak: "I don't know of any missing bomb, but we have not positively identified what I think you are looking for."

When Danish workers at Thule began to get sick from a slate of illnesses, ranging from rare cancers to blood disorders, the Pentagon refused

See LOST NUKE p. 8

Time To Get Out The Wheelbarrows? Another Look At The Weimar Hyperinflation

The hyper-inflation of 1920's Weimar Germany ended up making paper money virtually worthless.

By Ellen Brown

Some worried commentators are predicting a massive hyperinflation of the sort suffered by Weimar Germany in 1923, when a wheelbarrow full of paper money could barely buy a loaf of bread. An April 29 editorial in the *San Francisco Examiner* warned:

"With an unprecedented deficit that's approaching $2 trillion, [the President's 2010] budget proposal is a surefire prescription for hyperinflation. So every senator and representative who votes for this monster $3.6 trillion budget will be endorsing a spending spree that could very well turn America into the next Weimar Republic."[1]

In an investment newsletter called "Money Morning" on April 9, Martin Hutchinson pointed to disturbing parallels between current government monetary policy and Weimar Germany's, when 50% of government spending was being funded by seigniorage – merely printing money.[2] However, there is something puzzling in his data. He indicates that the British government is already funding more of its budget by seigniorage than Weimar Germany did at the height of its massive hyperinflation; yet the pound is still holding its own, under circumstances said to have caused the complete destruction of the German mark. Something else must have been responsible for the mark's collapse besides mere money-printing to meet the government's budget, but what? And are we threatened by the same risk today? Let's take a closer look at the data.

History Repeats Itself – or Does It?

In his well-researched article, Hutchinson notes that Weimar Germany had been suffering from inflation ever since World War I; but it was in the two year period between 1921 and 1923 that the true "Weimar hyperinflation" occurred. By the time it had ended in November 1923, the mark was worth only one-trillionth of what it had been worth back in 1914. Hutchinson goes on:

"The current policy mix reflects those of Germany during the period between 1919 and 1923. The Weimar government was unwilling to raise taxes to fund post-war reconstruction and war-reparations payments, and so it ran large budget deficits. It kept interest rates far below inflation, expanding money supply rapidly and raising 50% of government spending through seigniorage (printing money and living off the profits from issuing it). . . .

"The really chilling parallel is that the United States, Britain and Japan have now taken to funding their budget deficits through seigniorage. In the United States, the Fed is buying $300 billion worth of US Treasury bonds (T-bonds) over a six-month period, a rate of $600 billion per annum, 15% of federal spending of $4 trillion. In Britain, the Bank of England (BOE) is buying 75 billion pounds of gilts [the British equivalent of US Treasury bonds] over three months. That's 300 billion pounds per annum, 65% of British government spending of 454 billion pounds. Thus, while the United States is approaching Weimar German policy (50% of spending) quite rapidly, Britain has already overtaken it!"

And that is where the data gets confusing. If Britain is already meeting a larger percentage of its budget deficit by seigniorage than Germany did at the height of its hyperinflation, why is the pound now worth about as much on foreign exchange markets as it was nine years ago, under circumstances said to have driven the mark to a trillionth of its former value in the same period, and most of this in only two years? Meanwhile, the US dollar has actually gotten stronger relative to other currencies since the policy was begun last year of massive "quantitative easing" (today's euphemism for seigniorage).[3] Central banks rather than governments are now doing the printing, but the effect on the money supply should be the same as in the government money-printing schemes of old. The government debt bought by the central banks is never actually paid off but is just rolled over from year to year; and once the new money is in the money supply, it stays there, diluting the value of the currency. So why haven't our currencies already collapsed to a trillionth of their former value, as happened in Weimar Germany? Indeed, if it were a simple question of supply and demand, a government would have to print a trillion times its earlier money supply to drop its currency by a factor of a trillion; and even the German government isn't charged with having done that. Something else must have been going on in the Weimar Republic, but what?

Schacht Lets the Cat Out of the Bag

Light is thrown on this mystery by the later writings of Hjalmar Schacht, the currency commissioner for the Weimar Republic. The facts are explored at length in *The Lost Science of Money* by Stephen Zarlenga, who writes that in Schacht's 1967 book *The Magic of Money*, he "let the cat out of the bag, writing in German, with some truly remarkable admissions that shatter the 'accepted wisdom' the financial community has promulgated on the German hyperinflation." What actually drove the wartime inflation into hyperinflation, said Schacht, was speculation by foreign investors, who would bet on the mark's decreasing value by selling it short.

Short selling is a technique used by investors to try to profit from an asset's falling price. It involves borrowing the asset and selling it, with the understanding that the asset must later be bought back and returned to the original owner. The speculator is gambling that the price will have dropped in the meantime and he can pocket the difference. Short selling of the German mark was made possible because private banks made massive amounts of currency available for borrowing, marks that were created on demand and lent to investors, returning a profitable interest to the banks.

At first, the speculation was fed by the Reichsbank (the German central bank), which had recently been privatized. But when the Reichsbank could no longer keep up with the voracious demand for marks, other private banks were allowed to create them out of nothing and lend them at interest as well.[4]

A Story with an Ironic Twist

If Schacht is to be believed, not only did the government not cause the hyperinflation but it was the government that got the situation under control. The Reichsbank was put under strict regulation, and prompt corrective measures were taken to eliminate foreign speculation by eliminating easy access to loans of bank-created money.

More interesting is a little-known sequel to this tale. What allowed Germany to get back on its feet in the 1930s was the very thing today's commentators are blaming for bringing it down in the 1920s – money issued by seigniorage by the government. Economist Henry C. K. Liu calls this form of financing "sovereign credit." He writes of Germany's remarkable transformation:

"The Nazis came to power in Germany in 1933, at a time when its economy was in total collapse, with ruinous war-reparation obligations and zero prospects for foreign investment or credit. Yet through an independent monetary policy of sovereign credit and a full-employment public-works program, the Third Reich was able to turn a bankrupt Germany, stripped of overseas colonies it could exploit, into the strongest economy in Europe within four years, even before armament spending began."[5]

While Hitler clearly deserves the opprobrium heaped on him for his later atrocities, he was enormously popular with his own people, at least for a time. This was evidently because he rescued Germany from the throes of a worldwide depression – and he did it through a plan of public works paid for with currency generated by the government itself. Projects were first earmarked for funding, including flood control, repair of public buildings and private residences, and construction of new buildings, roads, bridges, canals, and port facilities. The projected cost of the various programs was fixed at one billion units of the national currency. One billion non-inflationary bills of exchange called Labor Treasury Certificates were then issued against this cost. Millions of people were put to work on these projects, and the workers were paid with the Treasury Certificates. The workers then spent the certificates on goods and services, creating more jobs for more people. These certificates were not actually debt-free but were issued as bonds, and the government paid interest on them to the bearers. But the certificates circulated as money and were

renewable indefinitely, making them a de facto currency; and they avoided the need to borrow from international lenders or to pay off international debts.[6] The Treasury Certificates did not trade on foreign currency markets, so they were beyond the reach of the currency speculators. They could not be sold short because there was no one to sell them to, so they retained their value.

Within two years, Germany's unemployment problem had been solved and the country was back on its feet. It had a solid, stable currency, and no inflation, at a time when millions of people in the United States and other Western countries were still out of work and living on welfare. Germany even managed to restore foreign trade, although it was denied foreign credit and was faced with an economic boycott abroad. It did this by using a barter system: equipment and commodities were exchanged directly with other countries, circumventing the international banks. This system of direct exchange occurred without debt and without trade deficits. Although Germany's economic experiment was short-lived, it left some lasting monuments to its success, including the famous Autobahn, the world's first extensive superhighway.[7]

The Lessons of History: Not Always What They Seem

Germany's scheme for escaping its crippling debt and reinvigorating a moribund economy was clever, but it was not actually original with the Germans. The notion that a government could fund itself by printing and delivering paper receipts for goods and services received was first devised by the American colonists. Benjamin Franklin credited the remarkable growth and abundance in the colonies, at a time when English workers were suffering the impoverished conditions of the Industrial Revolution, to the colonists' unique system of government-issued money. In the nineteenth century, Senator Henry Clay called this the "American system," distinguishing it from the "British system" of privately-issued paper banknotes. After the American Revolution, the American system was replaced in the US with banker-created money; but government-issued money was revived during the Civil War, when Abraham Lincoln funded his government with US Notes or "Greenbacks" issued by the Treasury.

The dramatic difference in the results of Germany's two money-printing experiments was a direct result of the uses to which the money was put. Price inflation results when "demand" (money) increases more than "supply" (goods and services), driving prices up; and in the experiment of the 1930s, new money was created for the purpose of funding productivity, so supply and demand increased together and prices remained stable. Hitler said, "For every mark issued, we required the equivalent of a mark's worth of work done, or goods produced." In the hyperinflationary disaster of 1923, on the other hand, money was printed merely to pay off speculators, causing demand to shoot up while supply remained fixed. The result was not just inflation but hyperinflation, since the speculation went wild, triggering rampant Tulip-Bubble-style mania and panic.

This was also true in Zimbabwe, a dramatic contemporary example of runaway inflation. The crisis dated back to 2001, when Zimbabwe defaulted on its loans and the IMF refused to make the usual accommodations, including refinancing and loan forgiveness. Apparently, the IMF's intention was to punish the country for political policies of which it disapproved, including land reform measures that involved reclaiming the lands of wealthy landowners. Zimbabwe's credit was ruined and it could not get loans elsewhere, so the government resorted to issuing its own national currency and using the money to buy US dollars on the foreign-exchange market. These dollars were then used to pay the IMF and regain the country's credit rating.[8] According to a statement by the Zimbabwe central bank, the hyperinflation was caused by speculators who manipulated the foreign-exchange market, charging exorbitant rates for US dollars, causing a drastic devaluation of the Zimbabwe currency.

The government's real mistake, however, may have been in playing the IMF's game at all. Rather than using its national currency to buy foreign fiat money to pay foreign lenders, it could have followed the lead of Abraham Lincoln and the American colonists and issued its own currency to pay for the production of goods and services for its own people. Inflation would then have been avoided, because supply would have kept up with demand; and the currency would have served the local economy rather than being siphoned off by speculators.

The Real Weimar Threat and How It Can Be Avoided

Is the United States, then, out of the hyperinflationary woods with its "quantitative easing" scheme? Maybe, maybe not. To the extent that the newly-created money will be used for real economic development and growth, funding by seigniorage is not likely to inflate prices, because supply and demand will rise together. Using quantitative easing to fund infrastructure and other productive projects, as in President Obama's stimulus package, could invigorate the economy as promised, producing the sort of abundance reported by Benjamin Franklin in America's flourishing early years.

There is, however, something else going on today that is disturbingly similar to what triggered the 1923 hyperinflation. As in Weimar Germany, money creation in the US is now being undertaken by a privately-owned central bank, the Federal Reserve; and it is largely being done to settle speculative bets on the books of private banks, without producing anything of value to the economy. As gold investor James Sinclair warned nearly two years ago:

"[T]he real problem is a trembling $20 trillion mountain of over the counter credit and default derivatives. Think deeply about the Weimar Republic case study because every day it looks more and more like a repeat in cause and effect . . . ."[9]

The $12.9 billion in bailout funds funneled through AIG to pay Goldman Sachs for its highly speculative credit default swaps is just one egregious example.[10] To the extent that the money generated by "quantitative easing" is being sucked into the black hole of paying off these speculative derivative bets, we could indeed be on the Weimar road and there is real cause for alarm. We have been led to believe that we must prop up a zombie Wall Street banking behemoth because without it we would have no credit system, but that is not true. There is another viable alternative, and it may prove to be our only viable alternative. We can beat Wall Street at its own game, by forming publicly-owned banks that issue the full faith and credit of the United States not for private speculative profit but as a public service, for the benefit of the United States and its people.[11]

Ellen Brown developed her research skills as an attorney practicing civil litigation in Los Angeles. In Web of Debt, *her latest book, she turns those skills to an analysis of the Federal Reserve and "the money trust." She shows how this private cartel has usurped the power to create money from the people themselves, and how we the people can get it back. Her earlier books focused on the pharmaceutical cartel that gets its power from "the money trust." Her eleven books include* Forbidden Medicine, Nature's Pharmacy *(co-authored with Dr. Lynne Walker), and* The Key to Ultimate Health *(co-authored with Dr. Richard Hansen). Her websites are www.webofdebt.com and www.ellenbrown.com.*

1. "Examiner Editorial: Get Ready for Obama's Coming Hyperinflation," San Francisco Examiner, April 29, 2009.
2. Martin Hutchinson, "Is It 1932 – or 1923?", Money Morning (April 9, 2009).
3. See Monthly Average Graphs, x-rate.com.
4. Stephen Zarlenga, The Lost Science of Money (Valatie, New York: American Monetary Institute, 2002), pages 590-600; S. Zarlenga, "Germany's 1923 Hyperinflation: A 'Private' Affair," Barnes Review (July-August 1999).
5. Henry C. K. Liu, "Nazism and the German Economic Miracle," Asia Times (May 24, 2005).
6. S. Zarlenga, op. cit.
7. Matt Koehl, "The Good Society?", Rense (January 13, 2005).
8. "Bags of Bricks: Zimbabweans Get New Money – for What It's Worth," The Economist (August 24, 2006); Thomas Homes, "IMF Contributes to Zimbabwe's Hyperinflation," www.newzimbabwe.com (March 5, 2006).
9. Jim Sinclair, "Fed Actions a Bandaid on a Gaping Economic Wound," reprinted in Go for Gold, September 18, 2007.
10. Eliot Spitzer, "The Real AIG Scandal, Continued! The Transfer of $12.9 Billion from AIG to Goldman Looks Fishier and Fishier," Slate (March 22, 2009).
11. See Ellen Brown, "Cash Starved States Need to Play the Banking Game," webofdebt.com/articles (March 2, 2009).

Many Detainees Tortured to Death

that fact conveniently left out of the torture policy debate

TORTURE DEATHS from p. 1

But I brought it up again because I feel like the debate right now about torture is missing the point," he said.

"These aggressive techniques were not just limited to the "high-value detainee" program in the CIA. They spread to the military with disastrous results. They led to the deaths of human beings. And when there's a corpse involved, when there's a dead body involved, you can't just have a debate about policy differences and looking forward or looking backward."

"… [Four] years since the first known death in US custody, only 12 detainee deaths have resulted in punishment of any kind for any US official," found Human Rights Now in a 2006 report on terror war prisoners. "Of the 34 homicide cases so far identified by the military, investigators recommended criminal charges in fewer than two thirds, and charges were actually brought (based on decisions made by command) in fewer than half. While the CIA has been implicated in several deaths, not one CIA agent has faced a criminal charge. Crucially, among the worst cases in this list – those of detainees tortured to death – only half have resulted in punishment; the steepest sentence for anyone involved in a torture-related death: five months in jail."

While President Barack Obama and the mainstream media tangle over whether photos of abused prisoners would be released, Sifton said he believes the most vital element still yet to be made public is the CIA's operational cables.

"These are operational cables showing the interrogations' methodologies, what was approved, and who knew about them, showing the notes of meetings in the White

US Army Spc. Sabrina Harman posing over the body of Manadel al-Jamadi, an Iraqi prisoner tortured to death in CIA custody at Abu Ghraib in November 2003.

House between the principals group, people like Condoleezza Rice, John Ashcroft, Donald Rumsfeld," he told Goodman. "These are important documents. I mean, the photographs are important because they show viscerally what happened, but the memos show who ordered what happened to happen."

Amazingly, Sifton actually went on to name a CIA interrogator believed responsible for the death of Manadel al-Jamadi, a prisoner who was suffocated to death by hanging.

"And that's an interesting death because that was a case where the CIA inspector general referred the case to the Department of Justice for prosecution, possible prosecution, and yet the Department of Justice never took any action," said Sifton. "The name of the CIA interrogator in that case is actually publicly known: Mark Swanner. [...] And he's, for all I know, still walking around in the United States, even though he is implicated in this homicide."

A video of this interview is available LinkTV's Democracy Now!, broadcast May 14, 2009

How US Officials Circumvented the Bill of Rights

BILL OF RIGHTS from p. 3

decide that you want to incarcerate and punish someone, you are required to follow these procedural principles."

Ever since the inception of the United States, by and large the quest of people who have been attracted to federal power has been to break free of constitutional constraints, oftentimes with the best of intentions and the greatest zeal. What has prevented them from doing so has been a citizenry that has treasured its freedom and has been knowledgeable about the history and nature of the Constitution, as well as a federal judiciary determined to enforce the Bill of Rights.

The terrorist attacks on 9/11, however, provided the opportunity that the lovers of power had long been waiting for – the opportunity to arrest and punish people, including Americans, without the constraints of the Constitution and the Bill of Rights.

How did they accomplish that monumental feat without even the semblance of a constitutional amendment? By simply announcing that a criminal offense – namely, terrorism – would henceforth be treated as an act of war. Since this was war, the argument went, federal officials would no longer be required to comply with procedural requirements outlined in the Bill of Rights when arresting and punishing people, including Americans.

How clever and devious is that? It will undoubtedly go down in US history as the most brilliant – and perhaps the most evil – end-run of the Constitution ever. While there have been, of course, innumerable violations of constitutional provisions in US history, what was revolutionary about the post–9/11 power grab was that it was intended to become a permanent feature of American life, given the perpetual nature of the war on terrorism.

And, again, what is amazing is how this power grab was accomplished: through the simple act of declaring that a certain federal criminal offense – terrorism – was now being considered by federal officials as an act of war.

Yet, it's not as though they converted terrorism from a crime into an act of war. As previously noted, terrorism is a federal criminal offense. It was so before 9/11 and it continued to be so after 9/11. Again, that's why both Americans and foreigners (e.g., Padilla and Moussaoui) have been prosecuted for terrorism in US district court.

Therefore, after 9/11, US officials did not cancel terrorism as a federal crime. Instead, they simply declared that it could also be considered as an act of war, at their option. Of course, the power associated with that option gave them almost complete control over the American people, an omnipotence that the Bill of Rights was intended to prevent.

If US officials opted to treat a person as a criminal defendant, they would have to accord him the protections of the Bill of Rights. But if they opted to treat a person as a combatant, they could simply ignore the Bill of Rights. Their omnipotence lies in the power to exercise that option.

Let's keep in mind the reason that the Pentagon established its detention facility in Cuba rather than the United States. It was not to protect the American people from possible prison escapes. After all, convicted terrorists are held in maximum-security prisons around the country and no one loses any sleep over their possible escape. Moreover, in World War II German prisoners of war were imprisoned here in the United States.

The reason that the Pentagon went to Cuba to establish its prison facility was precisely to avoid the application of the Constitution and the Bill of Rights and any federal-court interference with its operations. At Gitmo, the Pentagon was going to show America and the world what could be accomplished for law and order in a society without a Constitution and a Bill of Rights – a society in which military power is sovereign and supreme.

One of the fascinating aspects of Gitmo is that the Pentagon was determined to set up not only what it considered an ideal prison facility – one that didn't coddle criminals – but also a model judicial system, one that would prove superior to the federal court system that is required to accord people constitutional rights.

In fact, one big difference between the Guantanamo prison and World War II prisons immediately became evident: The prisoners at Gitmo were not treated as prisoners of war but rather as criminal defendants – yes, criminal defendants, charged with the crime of terrorism! The only difference – but a big difference – was that these criminal defendants would be tried under the Pentagon's new judicial system of military commissions, rather than under the judicial system the Pentagon scorned – the constitutionally-limited one established by the Framers.

So, the fact of the matter is that when it comes to terrorism cases, the United States is now operating under two competing, dual-track federal judicial systems. One system for prosecuting suspected terrorists is being run by the Pentagon at Gitmo. The other system is being run by the federal courts here in the United States under the principles of the Constitution. The government, not the defendant, gets to decide under which system the defendant will be tried.

What are the attributes of the Pentagon's system? In the Pentagon's system, the accused is presumed guilty (unlike the constitutional system, where the person is presumed innocent), the accused can be tortured into incriminating himself, the accused can be punished before determination of guilt, evidence acquired by torture can be used to convict the defendant, hearsay evidence can also be used, the defendant is denied the right to confront witnesses against him, there is no right of trial by jury, and kangaroo-court military tribunals are employed.

At Gitmo, the Pentagon has established a judicial system that is the dream of those who believe that the procedural protections in the Bill of Rights are nothing more than constitutional "technicalities" that let guilty people go free. No more reading people their rights. No more Miranda warnings. No more "coddling" of criminals. No more exclusionary rule. Defense attorneys are kept under tight control. Decisions are reached during secret proceedings.

In other words, the system that law-and-order types have been dreaming of for decades – one freed of the due-process guarantees outlined in the Bill of Rights – has arrived, and is thriving at Gitmo.

The English jurist William Blackstone (1723–1780) enunciated the underlying principle of English and American criminal jurisprudence: "Better that ten guilty persons escape than that one innocent suffer."

The Pentagon's system is different. It is oriented toward one goal: the punishment of people it has determined are terrorists. The Pentagon's system operates under the dictum "Better that ten innocent persons suffer than that one guilty person escape."

Every American should realize what 9/11 enabled federal officials to accomplish – it gave them the ability to do things to both Americans and foreigners that our ancestors feared they would in the absence of a Constitution and a Bill of Rights, the ability to take people into custody and punish them without having to concern themselves with procedural due process. By wielding the option to treat people accused of terrorism as either criminal defendants or as combatants – an option which, by the way, violates the principles of equal treatment under law and the rule of law – the federal government and its military have upended their relationship with the citizenry, enabling the former to gain supremacy and control over the latter.

Jacob Hornberger is founder and president of The Future of Freedom Foundation.

The Case of the Missing H-Bomb:

The Pentagon Has Lost the Mother of All Weapons

LOST NUKE from p. 6

to help. Even after a 1987 epidemiological study by a Danish medical institute showed that Thule workers were 50 percent more likely to develop cancers than other members of the Danish military, the Pentagon still refused to cooperate. Later that year, 200 of the workers sued the United States under the Foreign Military Claims Act. The lawsuit was dismissed, but the discovery process revealed thousands of pages of secret documents about the incident, including the fact that Air Force workers at the site, unlike the Danes, have not been subject to long-term health monitoring. Even so, the Pentagon continues to keep most of the material on the Thule incident secret, including any information on the extent of the radioactive (and other toxic) contamination.

These recovery efforts don't inspire much confidence. But the Tybee Island bomb presents an even touchier situation. The presence of the unstable lithium deuteride and the deteriorating high explosives make retrieval of the bomb a very dangerous proposition — so dangerous, in fact, that even some environmentalists and anti-nuke activists argue that it might present less of a risk to leave the bomb wherever it is.

In short, there aren't any easy answers. The problem is exacerbated by the Pentagon's failure to conduct a comprehensive analysis of the situation and reluctance to fully disclose what it knows. "I believe the plutonium capsule is in the bomb, but that a nuclear detonation is improbable because the neutron generators used back then were polonium-beryllium, which has a very short half-life," said Don Moniak, a nuclear weapons expert with the Blue Ridge Environmental Defense League in Aiken, South Carolina. "Without neutrons, weapons grade plutonium won't blow. However, there could be a fission or criticality event if the plutonium was somehow put in an incorrect configuration. There could be a major inferno if the high explosives went off and the lithium deuteride reacted as expected. Or there could just be an explosion that scattered uranium and plutonium all over hell."

This essay is featured in the forthcoming book, Loose Nukes *published by Count Zero Press*

Jeffrey St. Clair is the author of Been Brown So Long It Looked Like Green to Me: the Politics of Nature *and* Grand Theft Pentagon. *His newest book,* Born Under a Bad Sky, *is just out from AK Press / CounterPunch books. He can be reached at: sitka@comcast.net.*