

CovertAction

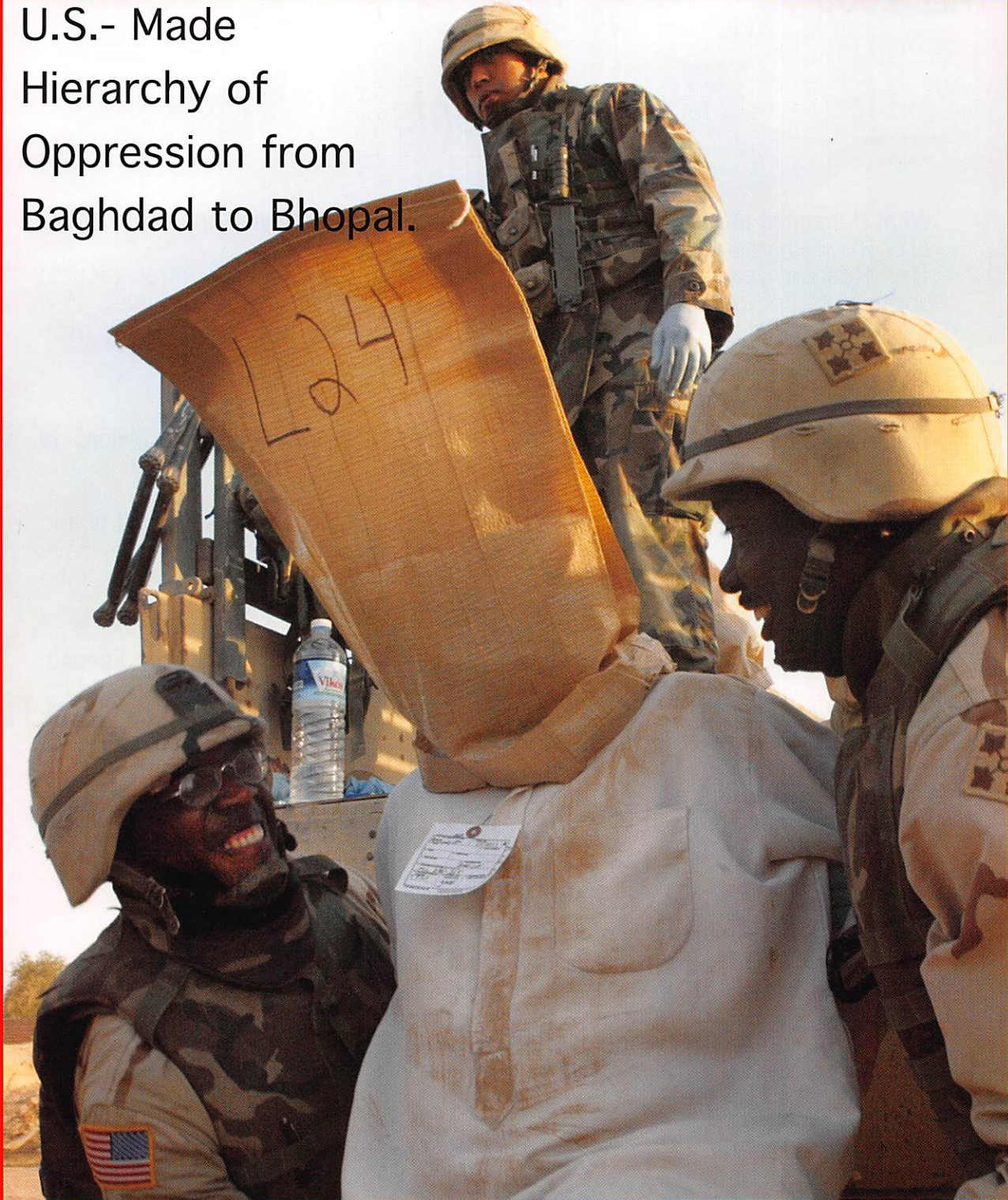
QUARTERLY

25TH
ANNIVERSARY

Number 75

Fall 2003

U.S.- Made
Hierarchy of
Oppression from
Baghdad to Bhopal.



Homeland Security Phoenix-Style
Space-Based Imperialism
First Nations Fight Back
Tobacco Smokescreen

Denver Police Files
Victory For Judi Bari
Presidential Deceits
When Will Bush Fall?

CovertAction Quarterly

FALL 2003

NUMBER 75

Contents

- | | | | |
|----|---|--|---|
| 2 | What Happened to America?
<i>Eliot Weinberger</i>
The Reagan years seem peaceful and secure compared to the Bush II era. How did this become the most reactionary in American history? | | Denver Police Spying on Peace Groups 27
<i>Loring Wirbel</i>
Preemptive crowd control tactics, watch lists and a resuscitated Law Enforcement Intelligence Unit raise spectres of COINTELPRO. |
| 5 | When Will Bush Fall?
<i>Immanuel Wallerstein</i>
Bush is in serious trouble, and not even Karl Rove may be able to save him this time. | | Direct Action by the First Nations of Canada 30
<i>John Moore</i>
Canadian troops, resource extraction industries and northern politics have forced indigenous groups to take drastic defensive actions. |
| 7 | Homeland Security and the Phoenix Program
<i>Douglas Valentine</i>
The CIA's infamous Vietnam War counter-insurgency program has resurfaced - and is now entrenched in the biggest new federal bureaucracy in history. | | Tobacco Companies and Free Speech 37
<i>Lawrence Soley</i>
Providing a corporate smokescreen for censorship evokes ominous contradictions in America's courts. |
| 14 | Recasting Space Supremacy
<i>Loring Wirbel</i>
Afghanistan and Iraq... The first two "space wars"? The assimilation of the Space Command is not as benign as it appears. | | Presidential Deceit 42
Philip Wheaton
Colin Powell may have a different rank today than he did in 1968, but he's providing the same services to the Bush administration. |
| 21 | Snatching Victory From the Jaws of Deceit
<i>Dennis Cunningham and Ben Rosenfeld</i>
Thirteen years of struggling for justice has finally paid off for FBI-sieged Earth First! activists. | | Bhopal Survivors Still Suffer 46
<i>Louis Wolf</i>
India finally acts to extradite Union Carbide CEO. 550,000 Indian citizens wait for justice. |

25th Anniversary Issue

"Congratulations to *CovertAction Quarterly* on its 25th Anniversary and its continuing invaluable service to truth, peace and justice."

- Ramsey Clark, Esq., Co-founder of International Action Center

Contributors: Mumia Abu-Jamal, Ian Barrett, William Blum, Heather Cottin, Dennis Cunningham, Gregory Elich, Angela Garcia, Noelle Hanrahan, Bill Montross, John Moore, Dolores Neuman, Leonard Peltier, James Petras, Ben Rosenfeld, Lawrence Soley, GT, John Ulan, Douglas Valentine, Immanuel Wallerstein, Eliot Weinberger, Philip Wheaton, Nicholas Wilson, Loring Wirbel, Louis Wolf.

Publisher: Covert Action Publications, Inc. 1500 Massachusetts Ave, NW, Suite 732, Washington, DC, 20005, USA

Subscription information: Phone - 202 331 9763; Fax - 202 331 9751;
Email - info@covertactionquarterly.org.

CovertAction Quarterly (ISSN 1067-7232) is published quarterly by Covert Action Publications, Inc., 1500 Massachusetts Ave, NW, Suite 732, Washington, D.C., 20005, USA, a District of Columbia not-for-profit corporation. Member of the Independent Press Association. Indexed by Alternative Press Index, University Microfilms. Copyright 2003 by CovertAction Publications, Inc. All rights reserved. No article may be reproduced, in part or whole, without prior written permission from the editor.

Cover Photo: Operation "Ivy Serpent", July 2003
Mashadah, Iraq, photo credit: AP/Wide World Photos.

ATTENTION SUBSCRIBERS: Send us all address changes. USPS does not forward mis-mailed magazines! Contact us by telephone, email, fax or mail. All information above.

What Happened to America?

Eliot Weinberger

Originally published in *Vorwaerts*, June 2003.

In the last fifty years, we have grown accustomed to governments whose policies on specific issues may be good or bad, but which essentially institute incremental changes to the status quo. The major exceptions have been Thatcher and Reagan, but even their programs of dismantling systems of social welfare seem, in retrospect, mild compared to what is happening in the United States under George Bush – or more exactly, the ruling junta that tells Bush what to do and say.

It is unquestionably the most radical government in modern American history, one whose ideology and actions have become so pervasive, and are so unquestionably mirrored by the mass media here, that the population seems to have forgotten what “normal” is.

George Bush is the first unelected President of the United States, installed by a right-wing Supreme Court in a kind of judicial coup d'état. He is the first to actively subvert one of the pillars of American democracy: the separation of church and state. There are now daily prayer meetings and Bible study groups in every branch of the government, and religious organizations are being given funds to take over educational and welfare programs that have always been the domain of the state.

It is the first administration to openly declare a policy of unilateral aggression, a “Pax Americana” where the presence of allies (whether England or Bulgaria) is agreeable but unimportant; where international treaties no longer apply to the United States; and where – for the first time in history – this country reserves the right to non-defensive, “pre-emptive” strikes against any nation on earth, for whatever reason it declares.

It is the first – since the internment of Japanese-Americans in World War II – to enact special laws for a specific ethnic group. Non-citizen young Muslim men are now required to register and subject themselves to interrogation. Many hundreds have been arrested and held without trial or access to legal assistance – a violation of another pillar of American democracy: habeas corpus. In Guantanamo Bay, where it is said that they are now preparing execution chambers, hundreds of foreign nationals – including a 13-year-old and a man who claims to be 100 – have been kept for almost two years in a limbo that clearly contravenes the Geneva Convention.

Similar to the Reagan era, it is an administration openly devoted to helping the rich and ignoring the poor,

one that has turned the budget surplus into a massive deficit through its combination of enormous tax cuts for the wealthy (particularly those who earn more than a million dollars a year) and increases in defense spending. (And, although Republicans always campaign on “less government,” it has created the largest new government bureaucracy in history: the Department of Homeland Security.) The *Financial Times* of England, hardly a hotbed of leftists, has categorized this economic policy as “the lunatics taking over the asylum.”

But more than Reagan – whose policies tended to benefit the rich in general – most of Bush's legislation specifically enriches those in his lifelong inner circle from the oil, mining, logging, construction, and pharmaceutical industries. At the middle level of the bureaucracy, where laws may be issued without congressional approval, hundreds of regulations have been changed to lower standards of pollution or safety in the workplace.

Billions in government contracts have been awarded, without competition, to corporations formerly run by administration officials. In a country where the most significant social changes are enacted by court rulings, rather than by legislation, the Bush administration has been filling every level of the complex judicial system with ultra-right ideologues, especially those who have protected corporations from lawsuits by individuals or environmental groups, and those who are opposed to women's reproductive rights.

Most of all, America doesn't feel like America any more. The climate of militarism and fear, similar to any totalitarian state, permeates everything. Bush is the first American president in memory to swagger around in a military uniform, though he himself – like all of his most militant advisers – evaded the Vietnam War. (Even Eisenhower, a general and a war hero, never wore his uniform while he was president.)

In the airports of provincial cities, there are frequent announcements in that assuring, disembodied voice of science-fiction films: “The Department of Homeland Security advises that the Terror Alert is now . . . Code Orange.” Every few weeks there is an announcement that another terrorist attack is imminent, and citizens are urged to take ludicrous measures, like sealing their windows, against biological and chemical attacks, and to report the suspicious activities of their neighbors.

The Pentagon institutes the “Total Information Awareness” program to

collect data on the ordinary activities of ordinary citizens (credit card charges, library book withdrawals, university course enrollments) and when this is perceived as going too far, they change the name to “Terrorist Information Awareness” and continue to do the same things. Millions are listed in airport security computers as potential terrorists, including antiwar demonstrators and pacifists. Critics are warned to “watch what they say” and lists of “traitors” are posted on the internet.

The war in Iraq has been the most extreme manifestation of this new America, and almost a casebook study in totalitarian techniques.

First, an Enemy is created by blatant lies that are endlessly repeated until the population believes it: in this case, that Iraq was linked to the attack on the World Trade Center, and that it possesses vast “weapons of mass destruction” that threaten the world.

Then, a War of Liberation, entirely portrayed by the mass media in terms of our Heroic Troops, with little or no imagery of casualties and devastation, and with morale-inspiring, scripted “news” scenes – such as the toppling of the Saddam statue and the heroic “rescue” of Private Lynch.

Finally, as has happened with Afghanistan, America has received very little news of the chaos that has followed the Great Victory.

It is very difficult to speak of what is happening in America without resorting to the hyperbolic clichés of anti-Americanism that have lost their meaning after so many decades, but that have now finally come true.

Perhaps one can only recite the facts, and I have mentioned only some of them here. This is, quite simply, the most frightening American administration in modern times, one that is appalling both to the left and to traditional conservatives. This junta is unabashed in its imperialist ambitions; it is enacting an Orwellian state of Perpetual War; it is dismantling, or attempting to dismantle, some of the most fundamental tenets of American democracy; it is acting without opposition within the government, and is operating so quickly on so many fronts that it has overwhelmed and exhausted any popular opposition.

Perhaps it cannot be stopped, but the first step toward slowing it down is the recognition that this is an American government unlike any other in this country's history, and one for whom democracy is an obstacle.

Eliot Weinberger's political articles, in 18 languages, published as a book in the U.S., titled “9/12” by Prickly Paradigm Press.

When Will Bush Fall?

Immanuel Wallerstein

Bush's days are numbered. He is in serious trouble, and the trouble will not go away. The tissue of justifications for the Iraq invasion is fraying bit by bit. Both he and Blair have had to retreat on some of the more egregious statements. The famous weapons of mass destruction are nowhere to be found. And if some turn up, deeply buried somewhere, all that will prove is that the weapons were not readily usable in a war - certainly not in the famous 45-minute interval of Tony Blair. The aluminum tubes seem to be exactly what Saddam Hussein said they were, material for rockets. The asserted ties between Saddam Hussein and al-Qaeda were always improbable and no evidence has been adduced to confirm them. Bush has now laid the blame on the CIA, while the Republican chair of the Senate Intelligence Committee is accusing the CIA of leaking material to embarrass President Bush. The thieves are falling out.

The U.S. lived through this scenario once before, and not too long ago. The Watergate cover-up of President Nixon worked at first, with only partisan sniping for a long while. Nixon did win his reelection. He held out that long. But when Nixon tried to point the finger at fall guys (remember John Dean), they started to reveal the truth. In the end, he had to resign the presidency when a successful impeachment was imminent.

Of course, the two situations are quite different in their details. But there are certain striking similarities. They both took place within the context of the ambivalence of U.S. public opinion about a war. They both involved presidents who were willing to use all the instruments at their command to ram through policies and intimidate opponents. They both had persons around them who were masters at stonewalling. Vice-President Dick

Cheney must have taken lessons at the feet of Nixon's Attorney General John Mitchell.

In politics - world politics, national politics, local politics - you can get a lot of support if you're winning. But the support often flies away as soon as you start to become a loser. Bush promised the U.S. and the world a transformation of Iraq, indeed of the Middle East, if only Saddam Hussein could be ousted. At this point, about three months after the military collapse of the Iraqi regime, what is the situation in Iraq? Every day, American soldiers are being killed by what is clearly a guerrilla action of some consequence. Iraqi policemen, newly appointed by the U.S. occupiers, threatened to resign if U.S. soldiers did not quit their police station, feeling their lives were in danger for too close association with the U.S. Army. Apparently, U.S. soldiers are not seen as protectors of those who cooperate with them but as an endangerment to one's life.

The U.S. occupiers have been unable to restore even a minimum of electricity in the urban centers of Iraq. Frankly, I am amazed by this. One would think that the U.S. government could assemble the necessary engineers, fly in the necessary equipment, and supply the necessary protection to the engineers so that electricity could be restored in a week or two. Is it too expensive? Are there other priorities? Does the U.S. not think this is important? Ordinary Iraqis think it's the number one priority and are getting very angry. Soon, the country may be awash with nostalgia for the regime the U.S. ousted.

Meanwhile, in Great Britain, the heroic ally of the U.S., Tony Blair is in increasingly deep trouble. The Conservatives have decided there is no profit in supporting him. The Liberals never did. And the number of Labor M.P.'s who are restive is

growing. At just this moment, the U.S. has announced that it is going to try six persons at Guantanamo Bay, of whom two are British citizens. There is a storm brewing in Great Britain among very respectable jurists who object to what they see as dubious, even illegal, procedures. They are calling for Blair to get the U.S. to turn these men over to British justice. But Blair can't promise the U.S. that confessions extracted in the absence of legal counsel will stand up in British courts. There is no easy way that the U.S. can help Blair in this difficulty without jeopardizing the entire structure of the Guantanamo nightmare. At the same time, the U.S. government is having a very hard time convincing any U.S. attorneys to be defense attorneys because they assert that the rules are rigged against them.

The U.S. victory in Iraq was supposed to have the effect of getting recalcitrant allies - France, Germany, Russia - to reverse their positions. There is no sign of this whatsoever. Why should they? When *Time Magazine* conducted a poll in Europe in March, asking which of three - North Korea, Iraq, or the United States - was the biggest threat to world peace, a whopping 86.9% answered the United States. And the U.S. and Europe are on a collision course about mundane trade matters. In this, the U.S. has clearly been in the weak position. The World Trade Organization is ruling against the U.S. on these matters. Lots of little countries are quietly, and some not so quietly, refusing to bend to U.S. insistence on being the only country above international law.

And last but not least, the U.S. economy is not doing well at all. In addition, there are conservatives yelling that the Bush regime is not really conservative, because it is increasing, not reducing, the role of

the state. Howard Dean is taking off as a potential Democratic candidate. And even if he doesn't get the nomination, which he in fact may, he has already forced the other Democratic candidates to "move to the left" to try to capture a little of the support Dean seems to be getting.

Can Bush turn all this around? In the short run, maybe. If he can capture Saddam Hussein, that would help Bush. Here again, I am amazed that the U.S. has not been able to do this. But perhaps I should not be so amazed. Osama bin Laden has not been captured, dead or alive, in the almost two years Bush has been chasing him. Mullah Omar is still at large, and it seems he has been

reorganizing the Taliban.

As for the hawks who surround Bush, the day after the fall of Baghdad, they started clamoring to invade Syria. But all that's quiet now. Neither Iran nor North Korea have slowed down their drives to acquire nuclear weapons. Quite the contrary. They are virtually flaunting them. The U.S. does not seem to have even the troops available to do what is urgently needed, reinforcing their position in Iraq. They seem scarcely in a position to take on Iran or North Korea seriously. Nor are the diplomatic initiatives achieving much of anything – in Israel/Palestine, in Northeast Asia, or even in Latin America.

If I were George W. Bush, I'd be

very worried. Perhaps he's not. Pride goeth before the fall. But I bet some of his clever political advisers are chewing their nails. They were feeling very sure of themselves not so long ago. But the ship of state has hit rough waters. It may not sink immediately. But will it reach shore safely? The odds are not high enough for them to be smiling complacently.

Immanuel Wallerstein is Senior Research Scholar and distinguished professor of Sociology (Emeritus) at Yale University, and Director of the Fernand Braudel Center for the Study of Economies, Historical Systems, and Civilizations, Binghamton University, State University of New York.

THANK YOU!

We take this opportunity to express our deep appreciation to all those who have read, written for, provided photographs, contributed financially, in any way supported, protected, and stayed with this magazine all these years, many for the entire 25. It is people like you – you know who you are – that make it especially rewarding when each new issue rolls off the printing presses.

– *CovertAction Quarterly*, 2003

Homeland Security

WHERE THE PHOENIX CAME HOME TO ROOST

Douglas Valentine

"The implication or threat of force alone was sufficient to insure that the people would comply."¹

Former CIA Director William Colby

America has been in an ideological state of siege since September 11, 2001, when the Twin Towers came crashing down, and all the moral and psychological prohibitions on the reactionary right were permanently lifted. Since then, under the aegis of righteous retribution, the anger and frustration the neo-conservatives cultivated during the Vietnam War, and the Carter and Clinton administrations, were unleashed in a torrent of unabashed war mongering. Even Democrats climbed on the warwagon, and four days later, on September 15, 2001, Congress, save for one glorious dissenter, gave Bush \$40 billion and the authority to use "all necessary and appropriate force" against those allegedly involved (or could be said to have been involved) in the then uninvestigated and as yet unexplained terrorist attacks.

After the attacks, Bush embarked on his Holy Crusade. But something insidious was happening behind the scenes: On October 8, 2001, with little fanfare, Bush announced the formation - by executive fiat - of the Office of Homeland Security to detect, prevent, and recover from terrorist attacks, and/or "weapons of mass-destruction" attacks on American

soil. Less than three weeks later, again with overwhelming congressional support, Bush signed the draconian USA Patriot Act into law, vastly expanding the intelligence and law enforcement powers of the government, while rolling back individual rights and protections from government intrusions.²

Next, thanks to the horror of September 11, the stigma of his having stolen the 2000 presidential election vanished, and Bush's standings in the polls nearly doubled. The world changed forever, and in the absence of opposition from the anthrax-challenged Democratic Party leadership, Bush's rationale for an eternal war on terror evolved over the next year, and on September 20, 2002, it was set in stone with the promulgation of "The National Security Strategy of the United States," through which Bush conferred upon himself the divine right to launch deadly preemptive attacks on any nation he characterizes as a terrorist threat.³

This first-degree murder strategy (call it Manifesto Bush) makes many Americans feel safer because its terror, for the moment, is directed at the "other." But, like the homeland security apparatus Bush slipped into place, this first-strike foreign policy has potentially lethal

consequences for American citizens as well, for by launching preemptive strikes against foreign countries, Bush will kill thousands of innocent people. The mass murder of innocents will generate more domestic dissent, and more dissent will provide Bush with the pretext he needs to impose what two-time Nobel Prize winner Johan Galtung refers to as a "legally criminal" social structure. This is the sinister, insidious "other side" of Manifesto Bush, for the illegitimate Bush Régime requires a legally criminal social structure to maintain its dominance, and to ensure support for the eternal war on terror, with all the personal economic benefits that entails for Bush and his clique.⁴

In order to institutionalize his "legally criminal" structure, Bush signed the Homeland Security Act on November 25, 2002, creating the Department of Homeland Security (DHS) under the direction of former Pennsylvania Governor Tom Ridge. The Department's job is to coordinate the anti-terror elements of dozens of federal agencies and to secure the United States "from terrorist threats or attacks," be they genuine or provoked by the Bush Régime. The Act also provides for a policy-making Homeland

THIS FIRST-DEGREE MURDER STRATEGY (CALL IT MANIFESTO BUSH) MAKES MANY AMERICANS FEEL SAFER BECAUSE ITS TERROR, FOR THE MOMENT, IS DIRECTED AT THE "OTHER."

Security Council. The Council has as its four standing members: Bush (as chairman), Vice President Dick Cheney, Secretary of Defense Donald Rumsfeld, and Attorney General John Ashcroft. The Homeland Security Council is the flip side of the "other"-directed National Security Council.⁵

Last but not least, Bush on January 29, 2003, created the Terrorist Threat Integration Center (TTIC) at the CIA. TTIC combines the essential anti-terror elements of the Justice Department and the CIA. It reports directly to Bush, so the Bush Régime may coordinate the war on terror outside the Department of Homeland Security, and without congressional scrutiny.

THE METHOD IN THEIR MADNESS

Homeland Security is a euphemism for internal security, and Manifesto Bush is based on political internal security at home, for without it Bush cannot plunder the world. There is no other need for Homeland Security. Bush did not concoct the Homeland Security apparatus to provide Americans with bigger SUVs or greater protection from terrorism. On the contrary, at a cost of \$50 billion in taxpayers' money, it will provide Bush with the 170,000 political cadre he needs to pacify the unwitting, flag-waving American public, including the 75% that support him and his illegal invasion and occupation of Iraq, and the 40% that believe Saddam Hussein was responsible for the terror attacks of September 11th. Homeland security is, simply stated, a Trojan Horse through which Bush will unleash his ideological stormtroopers on America, and exploit his ill-gotten power to achieve personal and political gain.

This is no mean feat. Creating the Homeland Security apparatus is the largest reorganization of the federal government in fifty years. According to Lawrence Korb, one of the nation's leading national security experts at the Council on Foreign Relations, it might even "bankrupt the country."⁶ This may be another of its unstated purposes, for Bush will need a series of national emergencies, an economic depression as

well as preordained terror attacks, to perpetuate his de facto military dictatorship.

You may wonder how this can be done? It's easy. The Bush Régime is creating this fascist police state through the Big Lie, a technique favored by Hitler. A generation has passed since the Vietnam War, and thirty years of Hollywood propaganda has erased from America's collective memory the lessons that humiliating defeat taught about the abuse of power. Americans no longer have a moral imperative to pretend that they care what is right or wrong. The only thing that matters to them now is conquest.

And yet, every day the war on terror is looking more like the Phoenix Program in South Vietnam, but on a global scale. Eighteen months after the burqa was lifted in Afghanistan, CIA-directed Special Forces systematically hunt down and murder the political opposition of the Bush Régime's puppet government. And in Iraq, the "total victory" Bush promised has translated into the violent suppression of thousands of Nationalists, not just Saddam's political supporters. Worldwide, the Bush Régime has a blacklist of sixty nations it intends to invade, conquer and convert into quisling quasi-democracies through a series of "shock and awe" military campaigns, followed by endless, illegal dirty wars designed to eradicate the Bush Régime's ideological opposition from the face of the earth.⁷ That's Manifesto Bush.

In order to commit genocide and plunder the world, Bush needs to ensure his political internal security at home. This will be done in the same way the war on terror is being waged overseas: through a new and improved version of the CIA's Phoenix Program, as it was conceived in Vietnam, perfected in

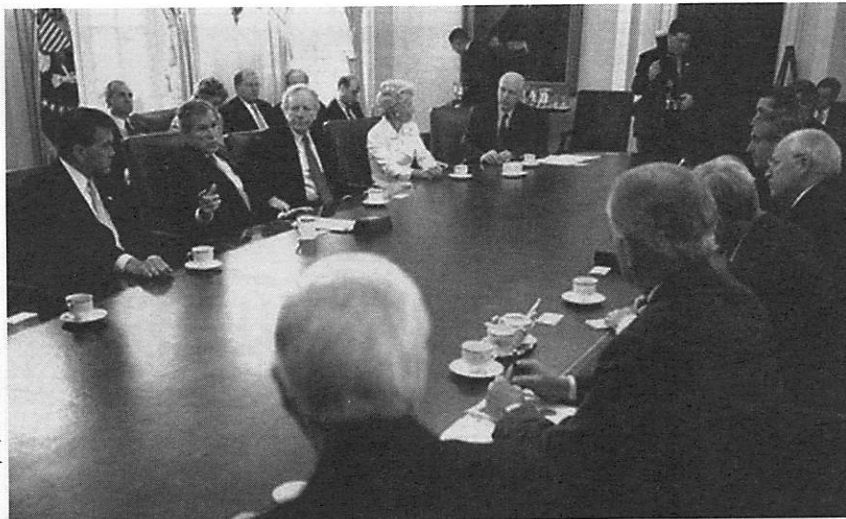
WORLDWIDE, THE BUSH RÉGIME HAS A BLACKLIST OF SIXTY NATIONS IT INTENDS TO INVADE, CONQUER AND CONVERT INTO QUISLING QUASI-DEMOCRACIES THROUGH A SERIES OF "SHOCK AND AWE" MILITARY CAMPAIGNS, FOLLOWED BY ENDLESS, ILLEGAL DIRTY WARS DESIGNED TO ERADICATE THE BUSH RÉGIME'S IDEOLOGICAL OPPOSITION FROM THE FACE OF THE EARTH.

Israel, and is about to be applied here through the Homeland Security apparatus.

PHOENIX: ANTI-TERRORISM AS INTERNAL SECURITY

On December 12, 1970, the CIA issued a report titled Internal Security in South Vietnam-Phoenix. It is significant for two reasons. First, it documents that the CIA equated its Phoenix "anti-terror" Program with political "internal security." Secondly, it acknowledges that terrorism, as well as political and psychological operations, were more dangerous to political internal security than main force military operations. According to the CIA, the Viet Cong Infrastructure (VCI) managed this shadow war in South Vietnam. In the report, Internal Security in South Vietnam-Phoenix, the VCI is defined as "the political and administrative organization through which the Communists control or seek to control the people of South Vietnam."⁸

Keep this definition in mind, for the CIA's political and administrative targets in South Vietnam were civilians, not soldiers. The same holds true today. Civilians in



Eric Draper, White House

Is this the Cabinet Room or the CIA's Vietnam closet? Ridge, Bush, Lieberman, Cheney discuss exhuming Phoenix Program skeletons for the Dept. of Homeland Security, June 7, 2002.

Afghanistan and Iraq who organize politically against the Bush Régime's puppet rulers are the modern equivalent of the VCI, and, according to Manifesto Bush, they can be hunted and killed by the CIA. If they arm themselves in self-defense of their homeland they become faceless terrorists. Likewise, the Homeland Security apparatus will eventually target the Bush Régime's political and administrative opposition in America.

The December 10, 1970 report stated that the CIA's Phoenix Program was the only defense against the insurgency's managers, and the terrorists under their control. Phoenix mounted this defense by coordinating all American and South Vietnamese intelligence and anti-terror agencies in an effort to identify and then neutralize the VCI. To neutralize meant to kill, capture, or make to defect, and the CIA went about this in typical corporate fashion: It imposed an 1,800-per-month neutralization quota on its Phoenix officers in the field. Those officers in turn relied upon a computerized blacklist of the VCI, which included not only Communists, but also their sympathizers and, more significantly, anyone not actively supporting America's puppet government. Innocent people who found their names on the Phoenix blacklist could be killed, kidnapped, detained and/or tortured indefi-

nately on the false accusation of one anonymous informant.

More on the blacklist later: For now I will explain how the analogy between the CIA's Phoenix Program and the Bush Régime's Homeland Security apparatus becomes more valid every day.

PHOENIX AS THE CONCEPTUAL PRECEDENT FOR HOMELAND SECURITY

The Phoenix concept is that terror is an organizing principle of society, and it is through terror that Bush will create his legally criminal society through the Homeland Security apparatus. This includes every type of terror, from the explicit terror of the sadistic, feudalistic siege that strangled, starved, and obliterated Baghdad, and delivered it into a humanitarian catastrophe and a Vietnam-style insurgency; to the collective terror Israel dishes out to deny Palestinians homes, jobs, health and education. It also includes the pure terror of rubber bullets that pepper war protesters in America. There is also the implicit psychological terror of jack-booted National Guardsmen patrolling airports and plainclothes policemen armed with automatic rifles, searching cars without probable cause. It's color-coded warnings issued by anxious Homeland Security officials of terror attacks that never occur, and its frighten-

ing but unsubstantiated reports brought to you by network news agencies.

The Phoenix concept also includes selective terror. The purpose of selective terror was psychological: to isolate the oppressor, while demonstrating the ability of the oppressed to strike small blows for freedom, until a general uprising was possible.⁹

The CIA had conducted terror operations since its inception in 1947, but in 1964 the Saigon station concluded that in order to win the Vietnam War, it had to start neutralizing the VCI through selective terror. As Station Chief Peer DeSilva explained in his autobiography, *Sub Rosa*, the idea was "to bring danger and death" to the political and administrative leaders of the insurgency by singling them out for selective terror.¹⁰ The CIA also added its own distinctly playful American twist by applying the Eye of God technique, which plays on the primitive fear of an all-seeing cosmic eye that can look into anyone's mind and root out bad thoughts. In South Vietnam in 1964, the CIA produced 50,000 Eye of God playing cards. Each card was painted black and had a hideous white eye in the center. When a counter-terror team suspected individuals of alignment with the VCI in a city or village, they would murder them in the most gruesome fashion possible, along with their families if possible, and then nail one of these cards in the middle of the victim's forehead - the "third eye" - which Buddhists consider the seat of consciousness.

The Eye of God terror technique has been adopted by Bush and applied to the counterinsurgency in Iraq through the distribution of a deck of cards that identifies, for capture or assassination, the leaders of Saddam Hussein's regime and the Ba'ath Party. This exercise in motivational indoctrination (the brainwashing technique developed by the CIA in Vietnam to convert average soldiers into assassins) has become so popular in America that the CIA is actually advertising these death cards to kids on the Internet.

Little do the kids know that the Bush Régime is subliminally applying the Eye of God terror tech-

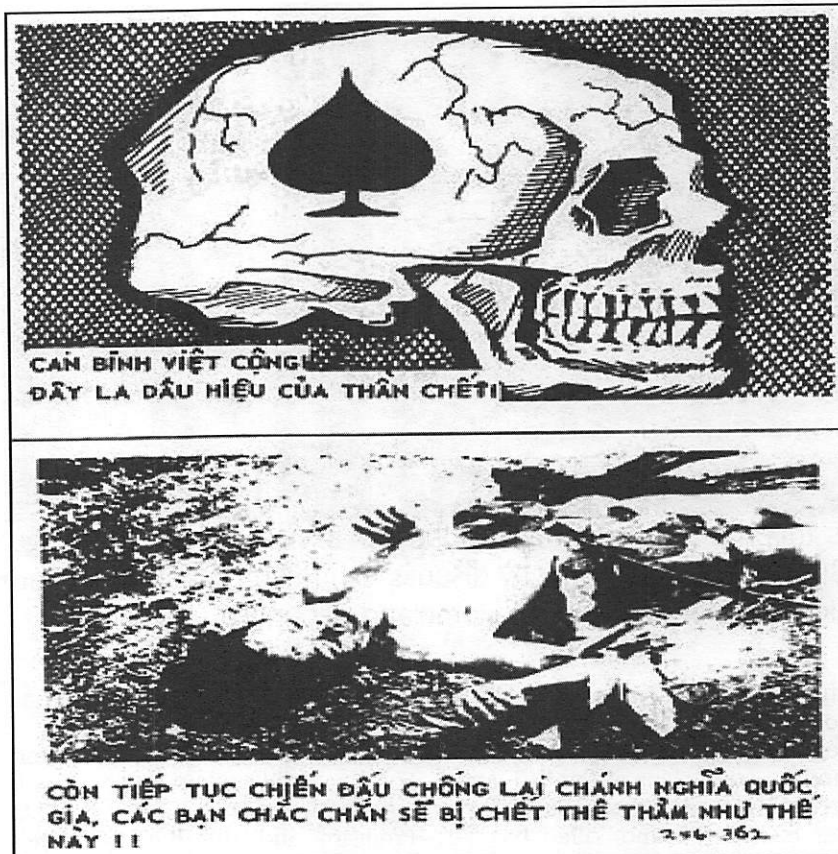
nique to Homeland Security, to make everyone feel as if Big Brother is watching them personally. Either at home or abroad, the idea is to instill the fear of God in everyone. That is why the CIA's Phoenix was always pictured, in the various psychological warfare materials the CIA distributed among the Vietnamese, as holding a blacklist in its jaws and a snake representing the Communists in its talons.

The Phoenix is the all-seeing bird that selectively snatches its prey. It is the archetype of terror, and Bush is about to unleash it on America.

THE FOUNDATION STONES OF A TERRORIST STATE

In 1964 the CIA set in place three of the four foundation stones upon which the Phoenix Program was built: counter-terror teams; the Province Interrogation Center Program, through which an American engineering and construction firm built an interrogation center in each of South Vietnam's 44 provinces (one of which, in 1972, was managed by Representative Rob Simmons [R-CONN.]); and the Hamlet Informant Program (HIP), which was designed to identify VCI suspects at the grass roots level of society. Attorney General John Ashcroft's short-lived Terrorism Information and Prevention System (TIP) was the Homeland Security version of HIP. Although Congress would not allow him to implement TIP, Ashcroft, the CIA and the military have other

**THE GREATEST DANGER
FACING AMERICA TODAY
IS THE SECRET POLITICAL
WARFARE PROGRAM THE
BUSH RÉGIME HAS
HIDDEN WITHIN ITS
HOMELAND SECURITY
APPARATUS.**



The CIA's deck of death. Caption reads: "Viet Cong! This is a sign of death! Continue your struggle against the National Cause and you will surely die a mournful death like this!"

blanket surveillance systems up their sleeves, like the Total Information Awareness Program.

These three programs worked in tandem. On the basis of a false accusation from a single anonymous HIP informant, a counter-terror team would kidnap or assassinate a VCI suspect. If kidnapped, the suspect was detained in an interrogation center, jail, or one of the hundreds of detention centers the CIA paid American firms like Brown & Root to build everywhere in South Vietnam; VCI suspects were shuffled back and forth between interrogation centers, detention centers, and jails until they died or defected. Otherwise they were sent for disposition to a military tribunal or a CIA-advised, McCarthyite security committee. Disposition meant summary execution or imprisonment on Con Son Island, ninety miles off the southern tip of South Vietnam. Con Son Prison was the Phoenix version of Bush's macabre detention camp in

Guantanamo Bay, Cuba, where so-called illegal combatants (civilians who resist American occupation in their homelands) are banished into a modern Black Hole of Calcutta, where psychological terror is the torture of choice, the lights are never turned off in the tiny isolation cells built by Brown & Root, and the hooded CIA interrogators are America's boys next door.

Administrative detention, the fourth foundation stone of the Phoenix Program, is the extra-legal nail upon which the Homeland Security apparatus and war on terror hang. Administrative detention is a neat way of circumventing the Geneva Convention by creating crimes of status. It was used by the CIA in Vietnam through the Phoenix Program against anyone sympathizing with the Communists or Nationalists, or failing to actively support the puppet régime. These were crimes of status, as was being a pacifist. Administrative detention practices were perfected in Israel,

where it is okay to roundup civilians, detain and torture them indefinitely, destroy their homes with bulldozers, and then cast them to the four winds, simply because they are Palestinians. Being a stateless Palestinian is a crime of status.

The Patriot and Homeland Security Acts have already set in place in America most of the elements of administrative detention. John Ashcroft's forthcoming Domestic Security Enhancement Act will eliminate whatever administrative burdens remain, and make it possible for American citizens to be detained on the basis of their crimes of status; such as protesting the war on terror, threatening critical infrastructure programs by being an environmentalist, or a peace activist, or organizing politically against the Bush Régime.

Under Phoenix, the justice system was the ultimate form of terrorism. Through administrative detention laws, due process was non-existent, and corrupt officials used the Phoenix blacklist to extort innocent civilians as well as VCI. It was the greatest blackmail scheme ever invented: If you didn't do what the President and his clique of gangsters wanted, your name appeared on the blacklist - and you were as good as dead.

Be forewarned: the Bush Régime and its corporate gangsters have their blacklists: The INS-State Department TIPOFF blacklist; the No-Fly blacklist, distributed to airlines by the FBI and the Transportation Security Administration, often identifying peace activists; CAPPS II, which uses credit card information and secret databases to assess a person's security risk level; and local blacklists like the one kept by the Denver Police Department.¹¹

You know these lists. You just don't know about the secret ones - the illegitimate Bush Régime's enemies list of its most powerful domestic political opponents.

PHOENIX AS THE ORGANIZATIONAL MODEL FOR HOMELAND SECURITY

Upon its creation in 1967, Phoenix was managed by a committee of five senior CIA and military officers. This Phoenix Committee functioned like Bush's Homeland Security Council: It was a board of directors that advised the chairman and formulated policy. Directly under the Phoenix Committee was a Phoenix Directorate. A senior CIA officer served as Director and was assisted by a staff of CIA and military personnel. The Directorate planned

Department of Homeland Security, which has four divisions: Information Analysis and Infrastructure Protection, Science and Technology, Border and Transportation Security, and Emergency Preparedness and Response. Senator Joseph Lieberman would like to add, within the Directorate of Information Analysis and Infrastructure Protection, an Office of Intelligence, with about 1,000 analysts from dozens of contributing agencies. If Lieberman has his way this Office of Intelligence will coordinate and direct Homeland Security operations. But if Bush succeeds the Terrorist Threat Integration Center will handle this function, as a White House hip-pocket operation.¹²

Phoenix personnel were assigned at national, regional, provincial and district levels. A province in Vietnam is the equivalent of a state in the United States, and the Phoenix Province Coordinator was at the top of the Phoenix chain of command. In each of South Vietnam's 44 provinces he managed the CIA's counter-terror teams, Province Interrogation Center, and informant program. The CIA's Counter-Terror Center will post officers within Justice Department terrorism task forces in at least 56 American localities, to "plan

daily operations." Just like the CIA's Province Coordinator was the top man in the Phoenix chain of command, these CIA counter-terror officers will dominate terror operations within the Department of Homeland Security.¹³

The involvement of CIA counter-terror officers in domestic law enforcement is extra-legal and tactical - their job is to sniff out terrorists and launch preemptive attacks that neutralize terrorists before they strike - even if their crime is a labor dispute. That's what

WHEN BUSH PUBLICLY ANNOUNCED HIS PROPOSED LEGISLATION FOR THE DEPARTMENT OF HOMELAND SECURITY ON JUNE 6, 2002, HE STRESSED THAT THE ORGANIZATION'S PRIMARY MISSION WAS TO "MOBILIZE AND FOCUS... THE AMERICAN PEOPLE TO ACCOMPLISH THE MISSION OF ATTACKING THE ENEMY WHERE HE HIDES AND PLANS." BY WHICH HE MEANS, HAVING HIS NEW LEGIONS ROOT OUT THE POLITICAL ENEMY WITHIN AMERICA, JUST AS THE CIA WOULD ROOT OUT THE VCI, AND IS NOW ROOTING OUT INSURGENTS IN IRAQ.

and conducted anti-VCI operations, managed the judicial processing of some 200,000 Vietnamese civilians caught in the Phoenix dragnet, and made sure that all the American and South Vietnamese intelligence and anti-terror programs it coordinated - as well as programs for defectors, territorial security, refugees, public safety, civil affairs, and psychological warfare - stayed focused on anti-VCI operations.

The Phoenix Directorate is the organizational model for the

Phoenix did, and what the Department of Homeland Security will do. But there is also a strategic facet to Phoenix, and just as the Phoenix Committee managed the strategic internal security function in Vietnam, Bush's Homeland Security Council, through the Terrorist Threat Integration Center, will wage secret political warfare against the Bush Régime's domestic opposition in America.

PHOENIX AS THE PROTOTYPE OF POLITICAL WARFARE

The greatest danger facing America today is the secret political warfare program the Bush Régime has hidden within its Homeland Security apparatus. The precedent to this internal security operation is the Phoenix Program. Like the Bush Régime, the government of South Vietnam was inherently illegitimate and corrupt, and was able to sustain its political internal security only through a phony war on terror that had, as its ulterior motive, the pacification of the people it was pledged to defend. The problem became manifest in 1968, when South Vietnam's President Nguyen Van Thieu sabotaged peace negotiations with the North because, like Bush, he had stolen his office and thus preferred internal political security over a peaceful settlement that would end the national emergency, suspend all police state actions (like administrative detention, upon which it relied), and allow for majority rule.

Thieu's actions led to congressional investigations which in 1970 revealed that the CIA had used the Phoenix Program as "an instrument of mass political murder" to neutralize politicians and activists who opposed Thieu or espoused peace. "By analogy," said then Representative Ogden Reid (D-N.Y.), "if the Union had had a Phoenix program during the Civil War, its targets would have been civilians like Jefferson Davis or the mayor of Macon, Georgia."¹⁴

Nowadays in America, strategic political neutralizations can be made to look like accidents, as most likely happened in the plane crash-

es of Minnesota Senator Paul Wellstone and Missouri Governor Mel Carnahan. Like the anthrax letters mailed to Democratic senators, it takes only a few black propaganda terror operations to silence the Bush Régime's political opposition.

There is no doubt that the Bush Régime intends to use terror to subdue its political opposition. As right-wing pundit Michael Ledeen stated, "New times require new people with new standards." Ledeen's new people will have the will power to "stamp out" the "corrupt habits of mind" manifest in the thoughts or actions of anyone who opposes Bush Régime aggression. According to Ledeen, "The entire political world will understand it and applaud it. And it will give Tom Ridge a chance to succeed, and us [the fascists] to prevail."¹⁵

This ideological terror is the maximum danger of the Homeland Security apparatus, and blackmail is the key. Hundreds of businesses and institutions across the country have already been placed on the CIA's Watch List. One Bush official has said that merely being on the list "could destroy the livelihood of all those organizations...without a bomb being thrown or a spore of anthrax being released."¹⁶

Such blacklists have "the leaders of many federal departments and agencies...scrambling to figure out... how they can influence [Homeland Security policy] without appearing disloyal." So as not to appear disloyal, intelligence agencies "deliberately slant estimates to fit a political agenda," and for over a year it's been well known that the Bush Régime, through its secret blacklists, "squashes dissenting views..."¹⁷

Blackmail fosters mandatory self-censorship: No one in authority will probe Bush's relations with the bin Laden family, or ask why he whisked the bin Ladens and members of the Saudi royal family out of the country in the wake of September 11th. No one will dare ask about the Israeli spy rings in the United States and their possible false flag relationship with the Saudis who flew the planes into the Twin Towers.

PHOENIX AS THE PSYCHOLOGICAL WARFARE PRECEDENT FOR HOMELAND SECURITY

As noted, information management - the Big Lie - is key to the Bush Régime's effort to make terror the organizing principle in American society, and to making its Homeland Security apparatus and war on terror appear to be legal, moral, and, most importantly, popular. This is being done through the most ambitious psychological warfare campaign ever conducted.

The first step is organizing political cadre - Ledeen's legions of new people with the will power to stamp out the corrupt habits of mind of Bush Régime opponents. Again the Phoenix Program is the model. The soldiers slated to participate in Phoenix were trained at a CIA-managed motivational indoctrination school at Fort Bragg. These Phoenix advisers were the first political cadre to infiltrate the American military. A successful career was guaranteed in return for adopting the right-wing party line. Several former Phoenix officers now enjoy important Department of Homeland Security posts. Major General Bruce Lawlor, a former CIA officer who ran counter-terror teams in Vietnam, is now DHS Chief of Staff. The Department's chief of counter-narcotics operations, Roger Mackin, ran Phoenix operations in the city of Da Nang. Other Phoenix alumni lurk about.¹⁸

At Fort Bragg, CIA psychological warfare experts instructed Phoenix advisers in using armed propaganda to wage political warfare. A training manual on the subject was reprinted in the early 1980s by a former Phoenix operator involved in the Reagan Régime's illegal Contra war. Titled *Psychological Operations in Guerrilla Warfare*, it states that "the human being should be considered the priority objective in a political war. And conceived as the military target of guerrilla war, the human being has his most critical point in his mind. Once his mind has been reached, the 'political animal' has

been defeated, without necessarily receiving bullets."¹⁹

Homeland Security personnel will pass through similar political and motivational indoctrination courses before they go to work. Critical Infrastructure personnel will spy on colleagues who may inadvertently or maliciously serve as "terrorist surrogates" by publicly or privately revealing information on infrastructure vulnerabilities. The cadres will "covertly identify" and watch these people until it comes time to expose them in the media as being under investigation. No one will want to be identified, even falsely, as an "inadvertent" or "malicious terrorist surrogate," knowing that once they have been defined in these terms they are subject to being "stamped out," as Michael Ledeen has suggested.

The Bush Régime is busy training its political cadres, Ledeen's "new people," whose minds have been defeated by implicit terror and who have embraced the fascist principles they've been subliminally indoctrinated with for years through the corporate propaganda machine. These new people are fast joining front organizations like the Freedom Corps, the Citizen Corps, Community Emergency Response Teams (which will train kids at school to prepare for the disasters the illegitimate Bush Régime and its Timothy McVeighs will surely visit upon America); the Neighborhood Watch Program, that will allow the Bush Regime to detain its drunk and disorderly political opponents as terrorist surrogates; and the Medical Reserve Corps (MRC), through which overpaid doctors will monitor patients within the faltering health care system.

Within these front groups, as stated in the CIA's Guerrilla Warfare manual, are the cadres trained "in techniques of persuasion over control of target groups" to support the Bush Régime. In a national emergency these cadres will be mobilized; they will attend mass meetings, carry placards, shout slogans, and if necessary grab guns and ropes and form lynch mobs. As in Vietnam, only five percent of the people need to be organized in this fashion in order to wield control over the indifferent ninety

percent, and defeat the five percent that form the resistance.

The pressure to join the new legions will be almost irresistible. Already we are subjected to a barrage of Bill O'Reilly and Michael Savage-style TV and radio shows, and Tom Hanks/Steven Spielberg movies that appeal to our most violent cultural beliefs; and when that doesn't work, latent threats get us to denounce our ideals and accept the fascist Bush Régime. In South Vietnam CIA officers taught district chiefs how to teach classes on government ideology: "problem individuals" were given the motivational indoctrination course, and everywhere "the populace was encouraged to report the activities of the VCI by dropping a note addressed to the police in local mailboxes." This method of institutionalized snitching accounted for 40% of the information used in Phoenix operations. Psychological operations in support of the attack against the VCI were so effective that in 1970, the Pentagon's Special Assistant for Counterinsurgency and Special Activities described Phoenix as "the number one...priority."²⁰

When Bush publicly announced his proposed legislation for the Department of Homeland Security on June 6, 2002, he stressed that the organization's primary mission was to "mobilize and focus... the American people to accomplish the mission of attacking the enemy where he hides and plans." By which he means, having his new legions root out the political enemy within America, just as the CIA would root out the VCI, and is now rooting out insurgents in Iraq.

PHOENIX AS THE MODEL FOR MAXIMUM ABUSES

In the forthcoming national emergency, the CIA will form special units within the 56 (minimally, there may now be as many as 93) Justice Department counter-terror task forces around the country, and TTIC will form hit teams within security forces at its disposal for political internal security operations. Bush's most powerful political opponents will endure compromise and discredit operations like the one the FBI used against Martin Luther King, Jr., before his death; or

like the Goldberg-Lewinsky sex scandal that targeted Bill Clinton. Thanks to blanket surveillance, the most intimate details of a person's private life will become his or her greatest liability. Extramarital affairs, drug use, and mental health care will be bared to the nation.

If an individual is impervious to shame, or has no past indiscretions, forged documents will be used. One prominent political opponent jailed by South Vietnamese President Thieu through the CIA's Phoenix Program revealed the existence of "a systematic campaign of vilification by use of forged documents." Forged documents used to justify false arrests or conceal illegal operations often emerged as captured documents. Aides to the Senate Foreign Relations Committee investigating Phoenix in 1970 wryly reported that: "There seems to be captured documents to prove any point or to support, retrospectively, almost any conclusion."²¹

Not just the phony justification for the invasion, conquest and occupation of Iraq, forged documents, whether captured or not, and compromise and discredit operations, are also a mainstay of the eternal war on terror. We have seen network news agencies broadcast edited videotapes of Osama bin Laden, and in Afghanistan, captured documents were routinely used as a form of black propaganda to justify military actions that resulted in collateral damage, meaning the first-degree murder of innocent people.

At the local level we can also expect a slew of false rumors from Homeland Security cadres, designed to ruin the reputations of politically incorrect families in their villages and towns, especially environmentalists who challenge critical infrastructure corporations. The paranoia that currently infects the Arab-American community will spread nationwide, until no one is sure who is a spy for the Bush Régime's Thought Police. Midnight arrests and disappearances into administrative detention centers will be commonplace, as the definition of a terrorist surrogate is expanded to include people deemed dangerous to the Public Order. As Ambassador Ellsworth

Bunker wrote in 1972, this "means that virtually any person arrested...can now be held on criminal instead of political charges."²²

No specific charge will be required; a Homeland Security informant will simply accuse his neighbor, the one whose dog trespasses on his lawn, of disturbing the public order. Then off the unlucky fellow goes into the local Guantanamo detention center.

Through Ashcroft's Domestic Security Enhancement Act, the crime of sedition will be resurrected and will include disseminating information about government corruption, or undermining the will of the State (as Ashcroft is fond of saying) by challenging its authority. Calling for civil disobedience will be equated with threatening homeland tranquility. A cadre in the Office of Cyberspace Security will expose you as a terrorist surrogate for sending sarcastic or satirical emails. How can you prove you were only joking when you blamed Bush for the terror attacks on the World Trade Center, or said that Cheney's refusal to investigate the attacks proves that Bush did it?²³

A FINAL WORD OF WARNING

Already we passively permit hooded policemen to search our cars, without probable cause, for Osama bin Laden. These policemen are helping us, right? They would never turn their guns on us, right?

As stated in the CIA's terror manual, and as is known to Homeland Security cadre like Michael Ledeen and Bill O'Reilly, "Implicit terror always accompanies weapons, since the people are internally 'aware' that they can be used against them."

Knowing this, every town will form a Homeland Security Committee, chaired by the Bush Régime's local political cadre, who will process confidential reports from concerned citizen snitches about the activities of terrorist suspects. These reports will pass through an ideological filter as they work their way up to the TTIC, where motivationally indoctrinated CIA officers will gleefully pull the plug on peace activists, environmentalists, citizens espousing national health care, and anyone

else posing a challenge to the reactionary right and the internal security forces that are firmly in its grip.

What makes this possible is that Ashcroft has vowed to "arrest and detain any suspected terrorist who has violated the law," but he has yet to specify what criteria define a suspected terrorist, or what law (Public Order?) has been violated. This is what happened in Vietnam too. There was never any consensus about the definition of a VCI sympathizer. Four years after the Phoenix Program was initiated, the *New York Times* revealed that 26,843 VCI and sympathizers had been "neutralized" in the previous 14-month period. During congressional hearings that were being held at the time, Representative Reid asked Phoenix Program director William Colby, "Are you certain that we know a loyal member of the VCI from a loyal member of the South Vietnamese citizenry?" Colby said, "No."²⁴

Thus the definition of a terrorist suspect or surrogate is deliberately left wide open, paving the way for political repression through institutionalized terror. The anti-terror legislation passed by Congress and signed by Bush allows for secret searches of the homes of people who meet the nebulous criteria of "suspected terrorist." No doubt these secret searches violate the Fourth Amendment, so Ashcroft, again lifting a page from the Phoenix playbook, has vowed to "employ new tools that ease administrative burdens."²⁵

Ashcroft is laying his meaning between the lines, and what he means is that the Bush Régime's political police will be empowered to detain American citizens without probable cause. When four congresspersons charged that the administrative detention laws under the Phoenix Program violated that part of the fourth Geneva Convention guaranteeing protection to civilians in time of war, CIA legal experts argued that Article 3 applied "only to sentencing for crimes, and does not prohibit a state from internment of civilians or subjecting them to emergency detention when such measures are necessary for the security or safety of the state."²⁶

In this way indefinite deten-

tion, torture, and summary execution, all carried out without previous judgment pronounced by a regularly constituted court, will be perfectly legal in the forthcoming, legally criminal Homeland Security state, because they will result from administrative procedures and will not involve a "criminal sentence."²⁵

This is Phoenix, and it's what the Bush clique has in store for America.

Douglas Valentine is the author of The Hotel Tacloban, TDY, and The Phoenix Program, which are available through his web sites, <http://www.DouglasValentine.com>, <http://members.authorsguild.net/valentine>. His new book, The Strength of the Wolf: The Federal Bureau of Narcotics, 1930-1968, will be published by Verso in May 2004.

NOTES

1. *Vietnam Policy and Prospects 1970* (Hearings Before the Committee on Foreign Relations, U.S. Senate, Feb. 17-20. March 3, 14, 17, 19, 1970), Statement for the Record on the Security Aspects of Pacification and Development, by Ambassador William E. Colby, p. 716.
2. Harold Reylea, Report for Congress, *Homeland Security: Department of Organization and Management*, Sept. 9, 2002, p. 14.
3. "The National Security Strategy of the United States of America," www.whitehouse.gov/nsc/nssall.html. This White House-produced document is a clear public statement of Washington's empire policy.
4. Anthony Judge quoting Johan Galtung, who coined the phrase "legally criminal" in regard to oppressive social structures, in "Metaphoric Entrapment in Time, Avoiding the Trap of Project Logic," Project Logic: An Undetected Policy Trap, April 21, 2000: view at <http://www.uia.org/uiadocs/entrap.htm>
5. Homeland Security Mission & Management statement, <http://www.whitehouse.gov/homeland>. Homeland Security Act of 2002, TITLE IX-NATIONAL HOMELAND SECURITY COUNCIL
6. Interview with Lawrence Korb.
7. The job of managing overseas counter-terror operations will fall to National Security Adviser Condoleezza Rice. A board member of Chevron Corporation, which operates in 100 foreign countries, Rice, like Bush and Cheney, has an abiding personal interest in the growth of the oil industry. She is a hard-liner and

advocates a worldwide war on terrorism to be fought in more than 60 countries. As she said in an October 18, 2001 article posted on the CNN website, "you've got to get to these (terrorist) cells and root them out and disrupt them before they strike again."

8. Go to Rusk Kick's Memory Hole to view the original Phoenix documents. www.thememoryhole.org/phoenix/internal-seurity.htm.

9. Douglas Valentine, *The Phoenix Program* (New York: William Morrow Co., 1990), p. 21.

10. *Ibid.*

11. Matthew Rothschild, "More Anti-War Activists Snagged by 'No Fly' List," Oct. 16, 2002, *The Progressive*. See also *Unisys News Report*, Blue Bell, Penn., Aug. 19, 2002.

12. Senator Joseph Lieberman said, "If we don't create a very strong coordinator and analyzer of intelligence, we have not completed our work." Quoted from Lieberman and Ledeen Interview with Newt Gingrich on Fox News Channel, July 13, 2002 - 11 p.m. EDT. Also author interview with Leslie Phillips, Lieberman's aide on Homeland Security, April 2, 2003. See also Lieberman Committee language inserted into Homeland Security Act Title II, Subtitle A, Section 201 (d).

13. Dana Priest, "The CIA Is Expanding Domestic Operations," *Washington Post*, Oct. 23, 2002.

14. Valentine, *The Phoenix Program*, p. 15.

15. Michael Ledeen, Oct. 1, 2001, *The National Review Online*.

16. Bob Woodward, *Washington Post*, Oct. 21, 2001.

17. Elizabeth Becker, *New York Times*, Jan. 19, 2002, first quote; James Bamford, "Maintain CIA's Independence," Oct. 24, 2002, *USA Today*, second quote.

18. Valentine, *Counterpunch* article on Lawlor: www.counterpunch.org/valentine0824.html. Valentine, *The Phoenix Program*, p. 263, Ft. Bragg, pp. 407-10, Lawlor, pp. 351-54, Mackin. *Government Executive Magazine*, Dec. 18, 2002, citing the *Washington Post*, Lawlor as Chief of Staff; March 24, 2003, Press Release by White House Drug Czar and Homeland Security chief, Mackin.

19. Tayacan, *Psychological Operations in Guerrilla Warfare*; published on line at www.tscm.com/CIA_PsyOps_Handbook.html.

20. Valentine, *The Phoenix Program*, p. 284.

21. *Ibid.*, pp. 332-34.

22. *Ibid.*, p. 402, Bunker statement re "Decree Law 020, Concerning National Security and Public Order." In a July 16 article for the *New York Times*,

Elizabeth Becker reported a top Bush official as saying, "The whole society is vulnerable with hundreds, thousands of targets we have to protect, but the most important stuff won't be released." Korb goes so far as to speak of existential threats.

23. Warnings by an FBI agent that Muslim extremists were planning to fly planes into the World Trade Center were lost in a bureaucratic shuffle in August, only weeks before the attacks. We are told that these warnings never reached the White House, although Ashcroft himself was warned not to fly on commercial airlines at precisely that same time. Jake Tapper, *Salon.com*, Sept. 12, 2001.

24. Valentine, *The Phoenix Program*, p. 378.

25. Attorney General John Ashcroft, Prepared Remarks for the U.S. Mayors Conference, Washington, D.C., Oct. 25, 2001.

26. Valentine, *The Phoenix Program*, p. 378.

27. *Ibid.*, p. 378, citing a document prepared on July 19, 1971, by the Vietnam Task Force, titled "The Geneva Convention and the Phoenix Program."

PLEASE SUBSCRIBE

for yourself

for a family member

for a friend

for a teacher

for your public library

for a prisoner

for your boss

for your Congressperson

Recasting Space Supremacy

THE EXTRATERRESTRIAL AGENDA OF GLOBAL PREEMPTIVE WAR

Loring Wirbel

The military space agencies have made no secret of their desire for both domination of the planet, and "negation" of other nations' space capabilities. But they would rather the public not fully grasp that each time a precision Joint Direct Attack Munition, or JDAM, guided by the Global Positioning System, was dropped on an Iraqi city, the U.S. was waging a war from space. Each time an Unmanned Aerial Vehicle fed intelligence to the Global Broadcast System satellite network, the U.S. was waging a war from space. Each time signals intelligence satellites updated the coordinates of Ba'ath party leaders, the U.S. was waging a war from space.

Forgive the legions of embedded reporters traveling alongside invading U.S. forces in Iraq for assuming the March assault was an earth-bound affair. Military leaders convening in Colorado Springs in early April agreed that the attack on Iraq utilized space to an extent never before seen in modern warfare. But to the media, blinded by dust storms while fawning over Marine and Army divisions on the march from Kuwait to Baghdad, the role of space was hard to determine. And that is precisely how the directors of Air Force Space Command and the National Reconnaissance Office would like it.

As military space doctrine has evolved and sharpened from Kosovo to Colombia, from Afghanistan to Iraq, a growing number of peace activists have grasped that the mission of preventing the weaponization of space involves far more than opposing the missile-defense weapons of the Missile Defense Agency. Space dominance entails not just the weapons physically placed in space, but weapon systems enabled through elaborate networks of intelligence, targeting, and communication systems, which constitute a web of

dominance in orbit around the Earth. When these networks are wedded to a doctrine of total preventive war, spelled out in the September 2002 "National Security Strategy of the United States," they constitute a blueprint for permanent war to assure U.S. global superiority.

In the aftermath of the war on Iraq the Air Force Space Command tightened collaboration with its partner, Strategic Command, to bring the nuclear weapons infrastructure into the new space-dominance paradigm. The two organizations were slated to meet at Offutt Air Force Base in August 2003, to ponder the implications of a new Defense Department program called "Operationally Responsive Spacelift," or ORS. The ORS plan calls for abandoning joint work with NASA on a lightweight Orbital Space Plane, in favor of a heavy-lift military space plane which could serve as a manned assault or reconnaissance vehicle. ORS entails using retired Minuteman-III rockets for a variety of new missions, including first-strike assault in which the missiles could be outfitted with either nuclear or conventional weapons. Air Force Space Command is talking about the development of a new Minuteman-IV missile, which would borrow mobile basing strategies from the plans for the original MX missile, while using the earth-penetrating nuclear weapons now being discussed for possible development at Los Alamos National Labs.¹

In fact, the notion of preemptive assault from space has found such favor in the aftermath of the attack on Iraq, the Air Force's Office of Space Operations and Integration (which proudly sports the new logo of "Air and Space Operations - The Superiority Complex"), is talking openly of using first-strike attacks on airfields and missile fields as a more effective substitute for strategic missile defense. In the early

days of the Bush administration, activists had to struggle to make the case that ballistic missile defense was a first-strike technology, not a means of defense against non-existent threats. By the end of the war on Iraq, the military openly admitted to looking for the most effective first-strike weapons it could find, whether those weapons were missile-defense rockets and lasers, or strike aircraft used for aerial assault.²

By normalizing the use of space and rendering it invisible, the Bush administration could maintain the pretense that its interest in Star Wars weapons and space supremacy appears to have shifted to the back burner. The second half of 2002 appeared to be a slack time for space. The Space-Based Laser Office within the Missile Defense Agency was closed, and the federal-level Space Command went through a Pentagon merger, leaving only specific Space Commands for Air Force, Army, and Navy to head up service-specific space missions. The melding of the U.S. Space Command into the Strategic Command on October 1, 2002, would seem to underscore the message that Donald Rumsfeld's promise in early 2001 of making dominance of planetary space a key military goal has fallen victim to terrestrial practicalities.

Nothing could be further from the truth. The constant use of space during the pre-invasion buildup in Iraq, and the three-week ground assault that followed, shows that the model of space warfare has been perfected, using a combination of permanent and "virtual" space-support bases in Oman, Qatar, Bahrain, Eritrea, Diego Garcia, and other nations. But the notion that space constitutes a special dimension has fallen into disfavor. Since the U.S. already considers itself sole proprietor of global sea and air lanes, it is only natural

that it manages all orbital and sub-orbital space on the planet, and there is not nearly so much of a reason to boast about the concept, as there was ten years ago when the

successful the war in Afghanistan had been in proving the viability of space as a force multiplier. Teets, who serves a unique new role as chief Pentagon procurement officer

has not bothered with the niceties of preserving artificial distinctions between Pentagon and NASA space use, particularly given his own history as Navy secretary and comp-

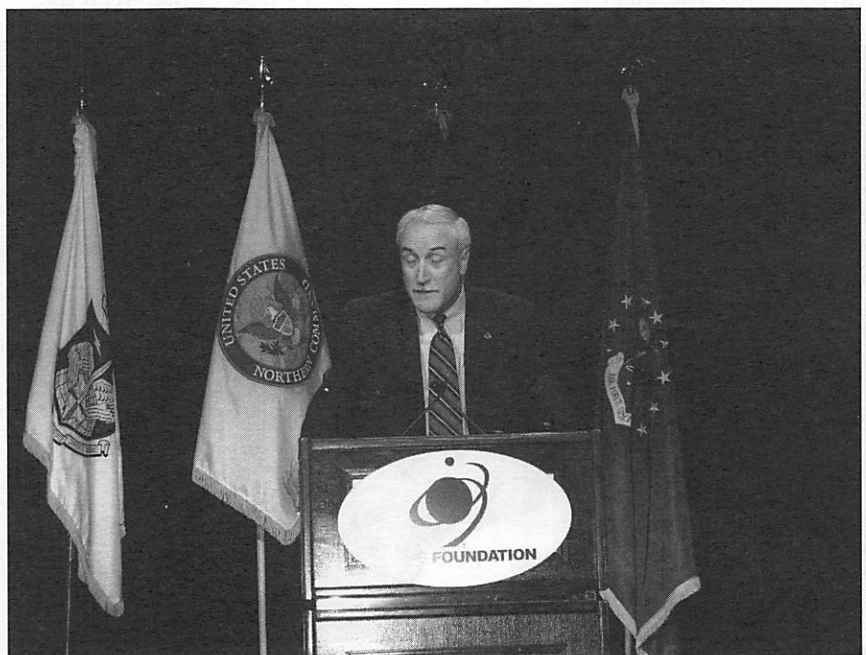
THE CONCLUSIONS OF THE NUCLEAR POSTURE REVIEW, AS WELL AS RUMSFELD'S SUGGESTION THAT THE MISSILE DEFENSE AGENCY EXPLORE NUCLEAR WARHEADS FOR MISSILE INTERCEPTOR ROCKETS, SHOULD CONVINCE SKEPTICS THAT THE BUSH ADMINISTRATION SEES NUCLEAR WEAPONS AS BOTH CENTRAL TO SPACE DOMINANCE, AND USABLE IN STRATEGIES TO ATTAIN GLOBAL SUPREMACY.

dominance theory was in its infancy.

In contrast to the heyday of the 1990s, when the U.S. Space Command released documents like *Vision for 2020* and *Long Range Plan*³ which boasted of "space-based force multipliers" in all theatres of battle, the U.S. military has spent the last two years in a quieter mode, learning by doing. Real-time support of battle groups by space platforms has been perfected by deploying tactical space units as part of a "Forward Operating Location" strategy of pre-positioning experts in intelligence and communications to global hot spots.⁴

Secretary of Defense Donald Rumsfeld let the Commission to Assess United States National Security Space Management and Organization do the talking on space supremacy on his behalf in the very early days of the Bush administration. The Commission warned of a "Pearl Harbor in space" unless total U.S. domination of the planet through unilateral control of space was achieved. This view was reinforced in late September 2002, when the White House released its more general national security policy document that justified U.S. efforts to establish a global empire and wage continuous preemptive war to preserve dominance.⁵

The Bush team also relied on Peter Teets, Director of the National Reconnaissance Office (NRO) and former COO of Lockheed Martin, to do some public boasting in numerous public speeches about how suc-



Loring Wirbel

NASA Administrator Sean O'Keefe talks of helping the Pentagon track Taliban troops at the National Space Symposium, Colorado Springs, CO, April 2002.

for space, in charge of a \$68 billion space budget, said that Afghanistan reinforced the message previously given by Teets' predecessor Keith Hall regarding space dominance: "We have it, we like it, and we're going to keep it."⁶

NASA Administrator Sean O'Keefe has proudly touted his own agency's involvement in the Afghanistan war, describing at the 2002 National Space Symposium the use of the Sea-WiFS satellite for tracking Taliban troops. O'Keefe

troller in the Pentagon. In return, the Defense Department has made NASA an integral part of national security space networks. In early September 2002, Teets announced the creation of the Transformational Communications Office, a joint office of NRO, NASA, and various military and intelligence agencies, aiming for a unified secure communications network.⁷

Yet given this central role for space-based forces, why was U.S. Space Command apparently given

the heave-ho? Even conservative think tanks which favor a high-tech "revolution in military affairs," but question nuclear weapons, had trouble with the Space Command/Strategic Command merger. The STRATFOR study group released an analysis last July suggesting that Rumsfeld was tying Space Command to a nuclear dinosaur.⁸

Such analyses assume that Bush has lost interest in nuclear weapons since cutting some informal arms-reduction deals with Vladimir Putin. But the conclusions of the Nuclear Posture Review,⁹ as well as Rumsfeld's suggestion that the Missile Defense Agency explore nuclear warheads for missile interceptor rockets,¹⁰ should convince skeptics that the Bush administra-

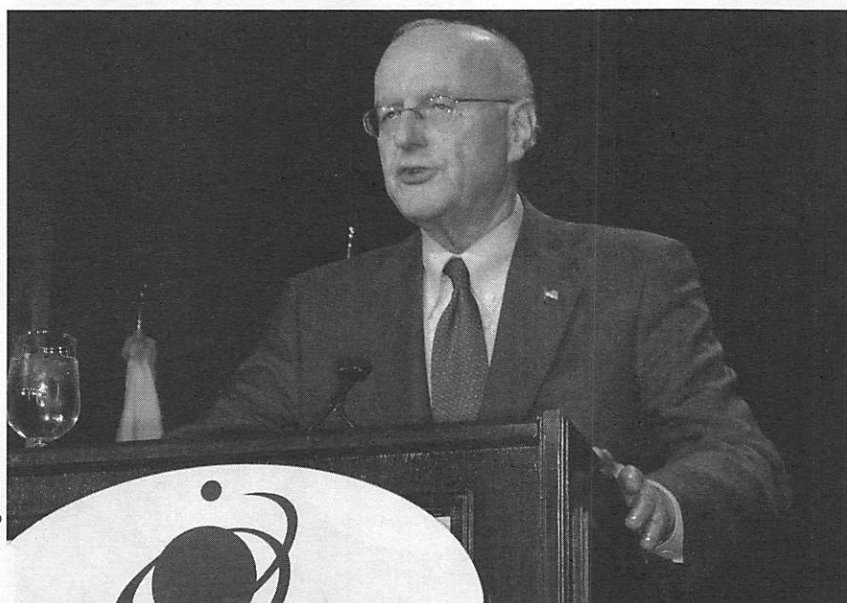
defensively "protecting" the U.S. homeland from rogue missiles, has not been paying attention to the evolution of modern military doctrine.

The final, frightening aspect in this combat-command shell game is the establishment of a new domestic command, the Northern Command, which will take over facilities of the Space Command at Peterson Air Force Base in Colorado Springs. Gen. Ed Eberhart, former head of the Space Command, has moved to Northern Command, and already has begun to talk about removing elements of the Posse Comitatus Act that prevent the military from serving in domestic law enforcement roles.¹² Because Northern Command will have access to the base of high-tech tools

sions, has since the Reagan era become a joint venture of the NSA, the nation's electronic-listening agency, and the forementioned NRO, manager of the nation's spy satellites. Either of these agencies on their own dwarf the size of the CIA. Together, they control a visible annual budget well in excess of \$10 billion. Since the mid-1990s, the NRO and NSA have shared resources through the establishment of joint bases called Regional SIGINT Operations Centers, or RSOCs.

Although these agencies' budgets are classified, what is known about their annual expenditures tells only half the story. The biggest shift in NSA and NRO doctrine since the end of the Cold War is that both agencies have kept the bulk of their resources intact, but have shifted their focus to providing real-time intelligence to U.S. forces involved in direct tactical battles, a strategy called "serving the warfighter." Much of the effort at getting intelligence from primary spy satellites and ground networks to tactical battle groups has come, not from NSA or NRO budgets, but from tactical intelligence budget programs called TENCAP (Tactical Exploitation of National Capabilities) and TIARA (Tactical Intelligence and Related Activities). When the billions of dollars in tactical intelligence programs are added to NSA and NRO agency budgets, it is reasonable to assume that exploitation of space for power projection consumes half or more of the nation's estimated \$38 billion annual intelligence budget.¹³

NRO manages imaging satellites in space that capture data in both visible-light range (Keyhole/Kennan) and radar wavelengths, using synthetic aperture radar (Lacrosse). Together, these satellite systems are used to build a "multispectral" database for use by the National Imagery and Mapping Agency, which can then be applied to air-breathing vehicles ranging from cruise missiles to unpiloted aerial reconnaissance vehicles, or UAVs. The imaging satellites will be augmented in 2005 by a new family of geosynchronous satellites built by Boeing, dubbed "8X," or Future Imagery Architecture. These highly classified satellites represent the most expensive military procure-



Former Lockheed chief - now NRO Director - Peter Teets hypes up space war.

tion sees nuclear weapons as both central to space dominance, and useable in strategies to attain global supremacy.

In this scenario, combining Strategic Command and Space Command make perfect sense. The global gladiator is going to use all available tools to achieve what arms analyst Michael Klare calls "permanent pre-eminence."¹¹ Space-based military networks and missile-defense weapons become merely two more arrows in the quiver of global hegemony. Anyone who misconceives Star Wars weapons as

developed by aerospace corporations for the Space Command, it will represent the cutting edge of surveillance, analysis, and data-mining tools that will exploit the holes in privacy laws left by passage of the USA Patriot Act. We shall explore later how the corporate community is taking advantage of this shift.

EYES AND EARS SERVE PREEMPTIVE SUPREMACY

Technical intelligence, once the realm of the National Security Agency and specialized CIA divi-

Loring Wirbel

ment program in history, with each satellite priced at several billion dollars, excluding cost of the launch vehicle.

NRO also is lobbying heavily to get Congress to approve a multi-agency Space-Based Radar. This would represent a vast improvement over Lacrosse, because it would allow active tracking of moving targets from space, what Teets called a "JSTARS weapons program in space" (JSTARS is a radar-surveillance plane used in standoff "deep-strike" attack).

NRO's signals-intelligence, or electronic-listening satellites, went through a significant revolution in the 1990s, moving to new families of geosynchronous satellites dubbed Mercury, Mentor, and Trumpet. These satellites used unfurlable antennas built by TRW and subcontractors, which could expand in space to cover the length of three football fields. The performance of such satellites proved so impressive, the NSA accelerated programs to close down several ground-based antenna fields, while moving others to remote unmanned status.

Again, these satellites will be upgraded around 2004 or 2005 by a new monster called Intruder, an element in the Integrated Overhead SIGINT Architecture (IOSA) program. Boeing once again serves as prime contractor for this satellite. It is interesting to note that NRO was pondering a move to a new architecture of many smaller satellites operating in tandem, in a program called IOSA-2. In two separate lobbying campaigns in the mid-1990s and early 21st century, Congress killed NRO's interest in small satellites after intense lobbying by Boeing and Lockheed Martin, which argued that support of gargantuan geosynchronous spy satellites was necessary for national security, a prime example of classified pork barrel politics.¹⁴

Does the collaboration of NSA and NRO in this field constitute a gross violation of civil liberties, as critics of the Echelon program charge? In theory, yes, since satellites can scoop up transmissions in virtually any frequency band. In reality, the agencies do not have nearly the storage space or human analysts to go over even a tiny percentage of their "take." What is more alarming, however, is the degree to which the products of the

new collaboration have been fed directly to tactical battle groups, raising the possibility that any future skirmish that U.S. forces are involved in, becomes a "turkey shoot" by definition.

In a series of experiments begun at Schriever Air Force Base in the mid-1990s, the Space Command practiced transmitting "fused" intelligence information from NSA and NRO to battleships, fighter jet cockpits, and individual Special Operations soldiers in the field, under a classified series of programs dubbed the Talon missions, Talon Shield, Talon Knight, etc. The program went "live" in July 1996. It was expanded to cover UAVs during the Kosovo bombing, using island bases off the Dalmatian coast, along with specialized air fields in Hungary and Albania.

The Pentagon used the Plan

since 1996, uses the Navy's UHF Follow-On satellite to transmit a mix of voice, data, and video streams to any location with a small satellite dish. Some content is as benign as the Pentagon's version of a CNN broadcast, while other content is as sensitive as the NSA's Binocular intelligence distribution database. When American troops in Afghanistan utilized the GBS system on board the UFO satellites, Teets told the 2002 Space Symposium, Special Operations forces operating on horseback in southern Afghanistan could receive instant video feeds from Predator UAV flights in other parts of the country.

This example shows the important role played by communications and navigation satellites in enabling first-strike warfare. These systems, often considered benign by those studying military space,

DEFENSE CONTRACTORS HAVE MOVED DATA-MINING TOOLS DIRECTLY FROM SPACE COMMAND DUTIES THAT SUPPORTED THE ASSAULT ON IRAQ, TO NORTHERN COMMAND AND DEPARTMENT OF HOMELAND SECURITY DUTIES SUPPORTING DOMESTIC INTELLIGENCE AGENCIES.

Colombia Forward Operating Location (FOL) strategy in 2000 as a model for later battles. Special bases were set up in El Salvador, Ecuador, Antigua, and Curacao, which served the roles of space downlinks, signals intelligence antenna fields, and UAV airfields. These were used to create a "total situational awareness" environment for Colombia, where space directly served soldiers on the ground.

In Afghanistan, FOLs were renamed "Forward Operating Bases," reflecting the semi-permanent nature of bases both in-country, and in neighboring nations such as Uzbekistan and Tajikistan. Capabilities were expanded by adding the broadband information-distribution capabilities of a network called Global Broadcast Service. GBS, in partial operation

can be exploited to allow far more effective preemptive strikes.

The case of the Global Positioning System is particularly instructive. For 20 years, activists have fought a losing battle to convince the public that GPS is first and foremost a weapon of war. Since GPS receivers are available for virtually any car or hiking kit, its transition to a civilian technology seems complete. But with every step to "open" GPS frequencies to broader public use comes simultaneous efforts to add additional military-only frequencies, or to use GPS in ways that emphasize targeting before location-finding. The widespread use of JDAM bombs in the assault on Iraq shows that GPS now has more tactical targeting duties than position-location or strategic nuclear targeting. Gen. Lance Lord, Commander of the Air Force Space

Command, quipped at the 2003 National Space Symposium that "GPS puts the DAM [sic] in JDAM."¹⁵

The Pentagon has its own evolutionary program for improving GPS as a weapon of war, from the current GETS (GPS for Enhanced Theatre Support) to the future "GPS III - Navwar" program. All steps in the evolution assume an exclusive portion of the GPS program reserved for military use, which is why the U.S. is so anxious to prevent the European Space Agency from going ahead with its own Galileo navigation satellite program. If space supremacy is to become a reality, neither allies nor foes can be allowed to have the tools in common use by the U.S. military.¹⁶

Infrared satellites for missile detection have followed a similar path. The aging Defense Support Program, or DSP, satellites were used in passive fashion to warn of possible Soviet or Chinese missile launches. These satellites were upgraded in the 1990s under Project Alert, which could instantaneously shuttle information about expected missile plumes to battle groups working in other regions of the world. DSP's obvious limitations were what sparked interest in a two-tiered follow-on system, the Space-Based Infrared System, which was sold as an essential element of Star Wars under the separate programs of SBIRS-High and SBIRS-Low. The fact that the SBIRS satellites can be used as elements of a first-strike system spotlights the fundamental yet unspoken problem with missile-defense: Most aspects of a national or tactical system, particularly those associated with Theatre Missile Defense, can be construed by adversaries as tools that allow more effective first strikes, rather than tools that defend against incoming missiles.

Even the various satellite systems providing communications at UHF, EHF, and SHF frequencies - DSCS, Milstar, FleetSatCom, etc. - can become tools by which to assure total dominance in any battlefield. Jam resistance and stealth characteristics added to recent communication satellite systems help to insure that the military achieves what the Long-Range Plan dubs "full-spectrum dominance."¹⁷

In April 2003, the NRO's Teets described a new \$9 billion program to further enhance satellite systems, while unifying the networks of NRO, NASA, and the Defense Information Systems Agency. NRO plans on a new family of broadband, packet-switched satellites to give space military networks the power of a classified Internet. This system, the Transformational-Satellite or T-SAT system, will be augmented by a new class of high-latitude NRO satellites called the Advanced Polar System. Teets said that the two new systems, T-SAT and APS, are designed to communicate directly with new military satellites already under development at DISA - the Advanced Extremely-High-Frequency satellite (a successor to Milstar), the Wideband Gapfiller satellite, and the Multi-User Objective System, or MUOS satellite.¹⁸

DOMINANCE DOCTRINE IN THE POST-SPACE COMMAND ERA

The U.S. Space Command may have come to an end last October, but the mission statements described in its documents remain as active as ever. In fact, operations on the ground still remain similar to those present prior to the agency's merger into Strategic Command at Offut Air Force Base. The service-specific commands - Army Space Command, Navy Space Command, Air Force Space Command -- remain headquartered at Peterson AFB in Colorado Springs, operating out of the same offices they used when a unified space command was in charge of all three. Occupying the U.S. Space Command office space at Peterson is the new Northern Command, boasting the same top management formerly assigned to U.S. Space Command.

This gives those military contractors with an inside track on space contracts continued right of first refusal for surveillance and data-mining systems designed for Northern Command and its civilian equivalent, the Department of Homeland Security. Raytheon Corp., Oracle Corp., and other large companies with long histories of working with NSA and NRO are tightly involved in programs for biometric scanning at U.S. borders,

luggage scanning for the Transportation Security Agency and similar U.S.-based monitoring programs.

Often, companies show a high degree of innovation in how they combine operations. Raytheon, for example, established a large, highly secure facility across the street from the Buckley AFB intelligence base in Aurora, where it began processing outsourced intelligence information for the NSA and NRO in 1998. In 2000, Raytheon set up a secure Web-hosting operation for corporations in the same location. And in 2002, Raytheon created a division to build ground stations for a joint NRO/NIMA/NASA weather satellite called N-POESS - again, located in the same unified Aurora facility where it performs NRO and NSA spy work while hosting corporate Web sites.¹⁹

It is ironic that so much attention has been paid to the Defense Advanced Research Projects Agency's Information Awareness Office, under the management of former National Security Adviser John Poindexter. The office has talked of fusing databases representing several sources of intelligence information, but has been forced to pledge several generations of tests on non-specific data, in order to prove to Congress it is not violating civil liberties. Meanwhile, however, defense contractors have moved data-mining tools directly from Space Command duties that supported the assault on Iraq, to Northern Command and Department of Homeland Security duties supporting domestic intelligence agencies. Northrop Grumman, for example, has moved a tool called Web-TAS, developed in conjunction with the Air Force Research Labs, out of early trials at the Combined Air Operations Center at Prince Sultan Air Base in Saudi Arabia, and out to local and regional police intelligence agencies within the U.S. and worldwide.²⁰

The common thread of government doctrine, updating and expanding what once was a Space Command-specific doctrine, can be found in Bush's June 1, 2002 speech at West Point, and in the September 20, 2002 document on national security policy. The U.S. no longer disguises the fact that it considers itself the planetary boss.

Programs for militarily utilizing a particular medium – space, air, sea – are based on the assumption that the U.S. is the only nation with the unilateral right to control such venues, and that if other nations attempt to share control of space or sea lanes they must be halted by force.

This dominance operates through a planetary consensus system of global deference to the United States, rather than through the naked exercise of power present in the British empire of a century ago. Martin Walker, senior fellow at the World Policy Institute, calls this a “virtual empire,” because American power “is so evident and sweeping that it does not need to be formally exercised... [direct] rule is hardly necessary when so many of the goods that flow from the virtual empire are too desirable or essential to be adjured.” When nations directly confront this unwritten rule, as France, Germany, and Russia attempted to do within the U.N. Security Council in mid-March, they are simply ignored, and later condemned for failure to acknowledge the legitimacy of hegemony.²¹

This “planetary consensus” bears some resemblance to the “Washington Consensus” on economic policy of the mid-1990s, because both operate tacitly and subtly, yet assume that any fundamental challenge to the consensus serves as evidence that those challenging it must be mentally disturbed. Such a consensus was demanded of allies and partners in issues of space militarization and weaponization long before the assault on Iraq. Initial European opposition to re-entry-phase missile-defense weapons in 2001 all but disappeared in the aftermath of the September 11 attacks. China, which had pledged to lead an anti-space-dominance coalition in the UN, quickly forgot its promises after being admitted into the World Trade Organization. France and Russia now face tremendous pressure in the aftermath of the UN Security Council breach to “get with the program” and recog-

nize the new unilateralism. If American allies do not speak out about ground-based missile-defense weapons now, why should they speak out about space-based weapons and the abrogation of the 1967 Outer Space Treaty five years from now?

It should be obvious to those allies by now that the Missile Defense Agency is not in place to protect the United States and allies from intermediate missiles fired by “rogue states.” Missile defense instead is a means of reinforcing

Theatre Missile Defense, meanwhile, is based on the Aegis missile cruiser, its SPY-1 radar, and a family of short-range missiles which would prove very useful in challenging Chinese naval power in any battles for Taiwan. In short, it becomes difficult to discern tactical missile defense from overall strategies of offense used in preemptive war.²²

In some senses, the demise of the Space Command hurts activists, since it deprives us of a lightning rod that helped direct attention to the overall aggressive nature of American policy in the neo-imperialist era. Space supremacy goals are just as active, but have been subsumed into a Strategic Command infrastructure whose use of space is so commonplace it becomes part of the background noise.

Peace activists also are not helped by the “planetary consensus” of leaders of nations who assume that a world under U.S. imperial control is the best one imaginable, if nations are to be protected from failed states and sub-state terrorists. That is why it is all the more cru-

cial for activists in this country to join together with those in other nations. Accepting a planetary boss is a bad bargain for all concerned. The boss will demand physical control of all resources globally, will seek to own all economic trade routes, and will insist on absolute exemption from transnational agencies that might restrict its action. (These include not only the International Criminal Court, but, ironically, the World Trade Organization, whose rulings on foreign corporate taxes may demonstrate to the United States that the Frankenstein it helped create has turned with a vengeance on its master.)

Developing a strategy of opposition requires, at its base, absolute non-compliance with the politics of unilateral domination of the planet. Preemptive war must be opposed not only in Iraq, but everywhere.



Space Commander Lance Lord at the Space Symposium: “GPS puts the DAM in JDAM.”

the military dominance created by the new precision weapons and intelligence tools utilized from space, air, and sea. While the Defense Science Board has tried to narrow the original Bush Missile Defense Agency approach of approving any form of missile-defense weapon in any venue, the choices it suggested in September 2002 are interesting for what they say about missile-defense goals. DSB suggested the top two priorities for MDA should be ground-based interceptors and sea-based theatre missile defense. The kinetic-kill ground-based interceptors are precisely those systems that warrant near-term deployment of X-band radars, control networks run out of Fort Greely, Alaska, the SBIRS infrared sensor system, and other elements that have a dual role in aiding U.S. tactical intelligence of regional battlefields. Sea-based

Missile-defense weapons must be opposed not only because they will not work or are too expensive, but because they constitute first-strike weapons.

But opposition to space supremacy cannot stop there. Some arms-control advocates insist we should draw the line on space weaponization, while accepting the fact that space militarization has been a fact of life for 40 years. In a recent policy paper, Philip Coyle, of the Center for Defense Information, and John Rhinelander, former vice chairman of the Arms Control Association, argue correctly that planetary space can never again become a "sanctuary," the equivalent of Antarctica. They are right: Military satellites for communications and intelligence are unlikely to ever go away.²³

The appropriate line to draw is on the issue of destabilization and unilateralism. Space Command, NRO, and NSA, have stated in public numerous times in the past decade that their mission no longer involves treaty verification, if it ever did.²⁴ Instead, their business is to re-target strategic platforms for tactical purposes, serving the warfighter with real-time information that helps insure total tactical victory in any region. When seen in the light of the new global supremacy policy, such a mission is obviously dangerous. Advocates for peace in space must oppose not only weapons in space, but those military systems in space that serve unilateral dominance. This implies opposing more than half of the space systems fielded by the U.S. military. But to strive for anything less is to provide tacit support for the new planetary consensus supporting U.S. global supremacy.

Loring Wirbel is editorial director for communications at CMP Media LLC, a media company based in New York and London. He is on the board of directors of the Global Network Against Weapons and Nuclear Power in Space, and has been active in peace and civil liberties groups in the southwest for two decades. His book, Star Wars and U.S. Tools of Space Supremacy, will be published by Pluto Press of London in December.

NOTES

1. William B. Scott, "Rapid Response," *Aviation Week & Space Technology*, April 7, 2003, pp. 66-76; interview, Gen. Lance Lord, April 8, 2003.
2. Col. Robert Kent Traylor, BMD panel, National Space Symposium, April 9, 2003.
3. U.S. Space Command, Vision for 2020, Peterson AFB, 1996; U.S. Space Command, Director of Plans, Long-Range Plan, Peterson AFB, 1998.
4. Loring Wirbel, "Forward Operating Locations: Plan Colombia Experiment Moves to Afghanistan," *PeaceWork*, Nov. 2001; Phillip Bannowsky, "In the Grip of the Anaconda," *NACLA Report on the Americas*, July/Aug. 2001, p. 38.
5. U.S. Government Printing Office, Report of the Commission to Assess United States National Security Space Management and Organization, Jan. 11, 2001; Office of the White House, The National Security Strategy of the United States, Sept. 20, 2002.
6. Loring Wirbel, "The Common Language of 'Space Supremacy,'" *Nonviolent Activist*, May-June 2002, pp. 8-9.
7. George Leopold, "U.S. Network to Tie DoD, Intelligence Agencies, NASA," *EE Times*, Sept. 9, 2002, p. 10.
8. *WorldNetDaily*/STRATFOR, "Bush's Battle Doctrine for Space," July 2, 2002, http://www.worldnetdaily.com/news/article.asp?ARTICLE_ID=28153; William B. Scott, "'Stratcom' to Be All-New Command," *Aviation Week & Space Technology*, July 29, 2002, p. 48.
9. William Arkin, "March Madness," *Bulletin of the Atomic Scientists*, May-June 2002, p. 76.
10. Bradley Graham, "Nuclear-Tipped Interceptors Studied, Rumsfeld Revives Rejected Missile-Defense Concept," *Washington Post*, April 11, 2002, p. A2; Michael Kraig and Michael Roston, "Nuclear-Tipped Foolishness," May 21, 2002, *Foreign Policy in Focus*, www.fpiif.org/commentary/2002/0205nuke.html
11. Michael Klare, "Permanent Pre-Eminence: US Policy for the 21st Century," *NACLA Report on the Americas*, Nov-Dec 2000, Vol. 34, No. 3.
12. Eric Schmitt, "Military Role in U.S. Gains Favor," *New York Times*, July 21, 2002, p. 16.
13. Walter Pincus, "Panel Faults CIA's Use of Case Officers in Crisis Support," *Washington Post*, June 19, 2003, p. A5.
14. Robert Dreyfuss, "Orbit of Influence: Spy Finance and the Black Budget," *The American Prospect*, March-April 1996.
15. Gen. Lance Lord, keynote speech, National Space Symposium, April 8, 2003.
16. Oliver Morton, "Europe's New Air War," *Wired*, Aug. 2002, p. 76.
17. Long-Range Plan, *ibid.*, p. 7.
18. Loring Wirbel, "Space Nets Take Commanding Role," *EE Times*, April 14, 2003, p. 1.
19. *Ibid.*
20. *Ibid.*
21. "Unilateralism Goes to Space," *EE Times*, May 19, 2003, p. 18.
22. Martin Walker, "America's Virtual Empire," *World Policy Journal*, Summer 2002, pp. 13-20.
23. Bradley Graham, "Missile Defense Choices Sought: Panel Urges Focus on Two Approaches," *Washington Post*, Sept. 3, 2002, p. A1.
24. Philip E. Coyle and John B. Rhinelander, "Drawing the Line: The Path to Controlling Weapons in Space," *Disarmament Diplomacy*, Issue No. 66, Sept. 2002.

ARE YOU MOVING?

PLEASE, please, please – If a move is coming up, make us the second place you notify after the Post Office. Please note: The Postal Service does not forward this magazine.

Snatching Victory From the Jaws of Deceit¹

Dennis Cunningham and Ben Rosenfeld

On May 24, 1990, a pipe bomb exploded under the driver's seat of Judi Bari's Subaru wagon as she drove through Oakland, California, shattering her pelvis and nearly killing her.² Her passenger and fellow Earth First! environmental activist, Darryl Cherney, was less severely injured but equally terrified by the attempted assassination and the sinister government frame-up which ensued. Senior FBI agents from the San Francisco Terrorism Squad arrived at the scene very soon after the explosion and told responding Oakland police officers essentially that Judi and Darryl were known members of a violent terrorist group, the type of people who would be involved in making and placing bombs. This was an outright lie. Over the previous two years, the FBI had worked very hard to infiltrate Earth First! circles in Arizona, in order - in the words of an undercover agent who accidentally recorded himself talking to his handlers - to "pop" its co-founder, Dave Foreman; "to send a message" to the environmental defense movement.³ Now, at the very least, the FBI was ready and waiting for the opportunity to use the car-bombing to smear and discredit Earth First! and disrupt its work.

Although the evidence plainly showed that Judi and Darryl were the victims of a very sophisticated "improvised explosive device," the FBI and Oakland police proceeded

to trump up a preposterous charge, accusing them of knowingly transporting the bomb. With their almost immediate arrest, this slander was quickly broadcast across the country.⁴ In 1991, Judi and Darryl filed a federal civil rights lawsuit against these police and FBI agents. Eleven years later, on June 11, 2002, a ten-member Jury in Oakland saw through the frame-up and awarded the plaintiffs \$4.4 million in compensatory and punitive damages, the great majority of it for violation of their First Amendment rights.

Judi and Darryl had been on their way to Santa Cruz, where they were scheduled to speak and sing folk songs (she fiddled, he plays guitar) as part of a recruitment drive for a "Redwood Summer" campaign of nonviolent civil disobedience planned for the coming months, aimed at bringing activists and students from around the country for direct action to preserve California's cathedral forests from rapacious corporate clear-cutting. In the months leading up to the bombing, as the issues and protests surrounding the logging of old growth, clear-cutting, mill closures and the like became more and more contentious, and efforts led by Judi to bring environmentalists and timber workers together against the common corporate foe began to bear fruit, she and Darryl and others had received a series of

frightening threats. When Judi reported receiving a photo with a rifle cross-hairs drawn over her face, a Sheriff's Department sergeant told her they didn't have enough manpower to deal with the case. "If you turn up dead," he said, "then we'll investigate."⁵ Over a longer period, environmentalists in the area had been victims of several physical attacks, despite their pledges of nonviolence and Judi's public renunciation of tree-spiking and "monkey-wrenching."⁶ Eight months before the bombing, Darryl, Judi, her children, and several others were run off the road into a ditch, Karen Silkwood-style, by an irate logging truck driver. Miraculously, they escaped serious injury, even though Judi's car was totaled; far from being charged with attempted murder, assault or reckless endangerment, the truck driver got a traffic ticket.⁷

The FBI Special Agent in Charge of the San Francisco Office at the time of the bombing was Richard W. Held, son of one of J. Edgar Hoover's top lieutenants from the salad days of COINTELPRO, the once official - now covert - program of secret, extra-legal FBI operations designed to "expose, disrupt, misdirect, discredit or otherwise neutralize" political targets such as the Black Panther Party, the anti-war movement, etc. Held Jr. was himself a well-known COINTELPRO maven, whose history of dirty tricks included helping to disrupt the American Indian Movement, frame Black Panther leader Geronimo ji jaga (Pratt), and undermine the Puerto Rican independence movement in the late 1970s and early 1980s.⁸

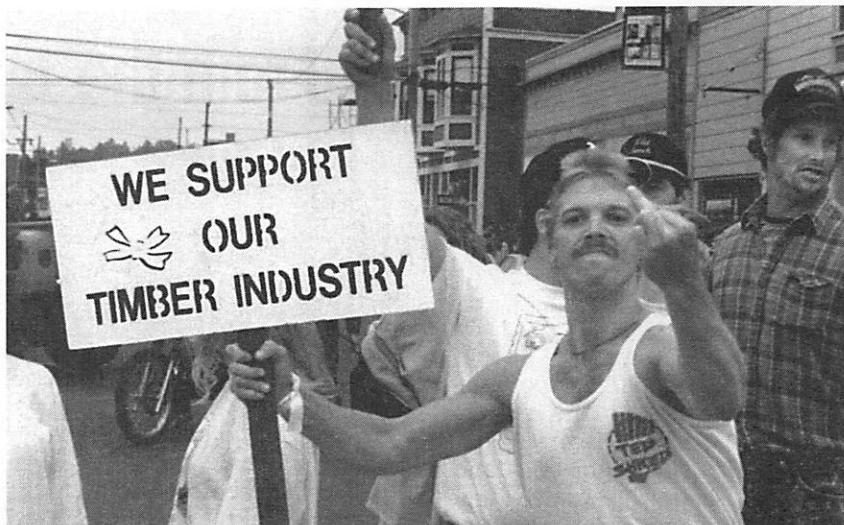
A highly trained Bureau bomb technician, Special Agent Frank Doyle, inspected the blown-up car and quickly proclaimed to the other investigators his opinion that the

**WHEN JUDI REPORTED RECEIVING A PHOTO WITH A
RIFLE CROSS-HAIRS DRAWN OVER HER FACE, A
SHERIFF'S DEPARTMENT SERGEANT TOLD HER "IF
YOU TURN UP DEAD, THEN WE'LL INVESTIGATE."**

bomb had sat on the "rear seat floorboard," behind the driver's seat, where he said it would have been visible to the occupants when they loaded their gear into the back seat. Ergo, said Doyle, it was their bomb.⁹ Both Judi and Darryl were booked on charges of knowing possession and transportation of a bomb, although the car was Judi's, and Darryl demonstrably was riding with her only by chance. The two were lumped together by police and the FBI throughout the proceedings because, in reality, evidence was irrelevant; headlines were the objective.

Police records showed that Judi and Darryl were put under arrest just three hours after the bomb went off – despite the fact that Judi was in emergency surgery at the time, in critical condition.¹⁰ The charges against them were announced to the public the next morning, drawing top stories of dreadful "eco-terrorism" from coast to coast.¹¹ A police application for an "enhancement" of the regular bail, from \$12,000 to \$250,000, stated that Judi was a danger to the community.¹² All three original color-coded copies of the bail enhancement request form for Darryl, however, like a number of other potentially revealing documents in the case, were "lost." The FBI took possession of all the physical evidence except the car, supposedly for "processing" at the now-infamous crime lab in Washington, D.C., then left it lying on a conference table in San Francisco for the next week. Darryl sat in jail for several days until supporters raised a non-refundable \$10,000 bond to bail him out. An Oakland judge refused to allow Judi and Darryl's lawyers to inspect the bombed car. The headlines raged on.

When they were able to inspect the car, and later, when they gained access to the evidence photos, it was clear that anyone would have known the bomb was located under the driver's seat, not behind it. The seat had a large hole in it, through which the pavement below was clearly visible. The floorboard of the car contained a much larger, diamond-shaped hole, with the wide spot directly under the seat. The back seat, just above where Agent Doyle said the bomb had



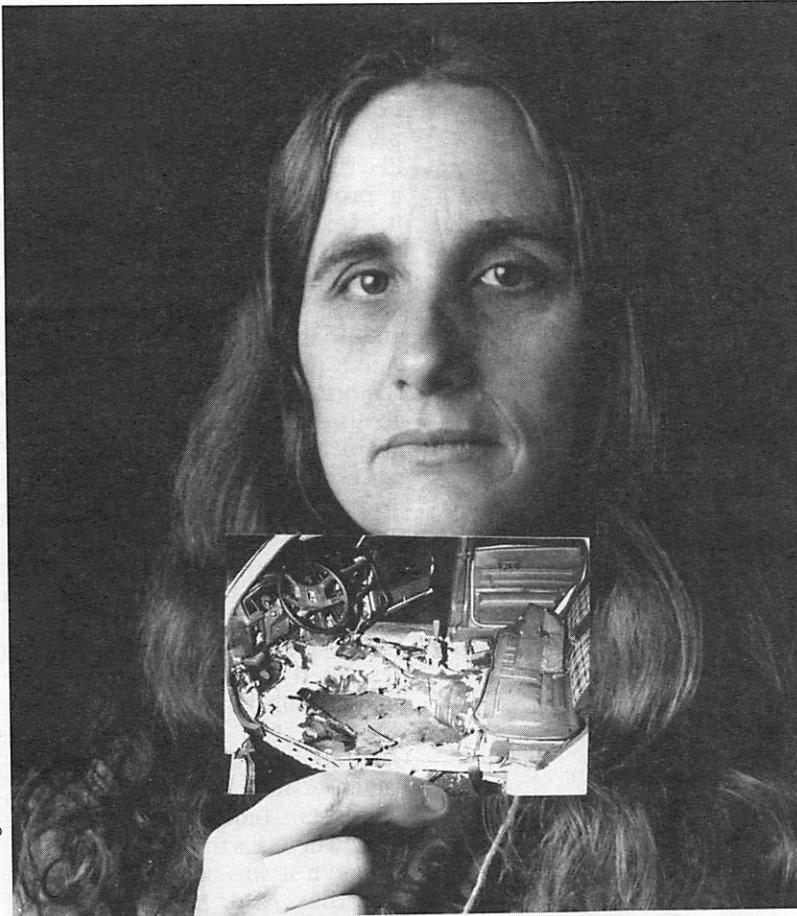
"Community Solidarity Coalition" backs up Big Timber at Fort Bragg, July 21, 1990.

been placed, was unscathed except for a tear along the seam of the seat cover. The rear door, just next to where Agent Doyle said the bomb was placed, was only superficially damaged. In contrast, the driver's door was bowed out and mangled, with a corresponding bulge in the car frame. The first fireman on the scene – who with his mates had heard the explosion at their station a block away – testified that the rear door on the driver's side door opened normally, permitting him to step inside and hold Judi's head and neck still, in order to prevent any further spinal injury.¹³ Conversely, rescuers had to use the "jaws of life" to cut away the mangled driver's door in order to extract her.

Thus it was obvious that the investigators knew or should have known the bomb was hidden under the driver's seat, by someone who intended to harm Judi. The orthopedist who attended to her at the hospital, now the chief orthopedic surgeon there, knew from her injuries – as he demonstrated with x-rays at the trial – that the force had come up from below, shattering her pelvis, destroying her coccyx, tearing her colon and permanently injuring organs and nerves in the region and along her right leg. He testified, however, that no investigator came to him to ask about her injuries.¹⁴ The police and FBI agents steered clear of the facts, since facts could only serve to

undermine the frame-up.

Instead, they concocted other fabrications to support the central lie that the bomb was in plain view, which they incorporated into their request for a warrant to search Darryl's and Judi's homes later that night, with the media in tow. The warrant application included, in particular, an assertion ascribed to Agent Doyle that the nails taped around the bomb – "for shrapnel effect" – were "identical" to the nails found in a bag in the hatchback area of the car. This persuasive detail was another outright lie. There were in fact two bags of nails in the car, with other materials from Judi's job as a carpenter, but both were plainly different than those recovered in the bombing debris. The nails taped to the bomb were long finishing nails. The nails in bags were roof tacks and sinkers, both with heads. This didn't come to light, however, because the bags were held back from the evidence – along with the cushion from the back seat and other significant items – when the FBI finally sent it to the lab. Meanwhile, the Oakland officers contributed their own lies to prop up the false search warrant application, to the effect that Judi's and Darryl's associates had told them the pair had a reputation for violence, when in fact the officers were told the exact opposite. At the same time, the investigators withheld from the court (and the public) crucial, exculpatory information,



Judi Bari was scapegoated by the FBI even after her death.

ment sabotage or tree-spiking during Redwood Summer. Instead, they planned direct action: tree-sits, road blockades, lockdowns to bulldozers and other heavy machinery, logging road gates, etc., against the corporate predators. Prolonged efforts to build an alliance with timber workers had begun to bear fruit, notably at a county board meeting where several local people had come in support of Judi's proposal in response to a timber company announcement that it would soon close one of its mills — that the county take over the mill by eminent domain, and operate it for the benefit of the workers and the local community. Nevertheless, there was a vicious backlash against the Redwood Summer campaign. At least two people had been physically attacked at recent protest actions, another group had been threatened at gunpoint, and several people had been chased by a man revving a chain saw. Like the ramming of Judi's car, these incidents were studiously ignored by the local police.

Moreover, looming in the background at the time was a popular and controversial state-wide ballot initiative called "Forests Forever" (Proposition 130), which called for

such as that the bomb was triggered by a motion device (showing that it was intended to go off while Judi was driving), that Darryl and Judi had in their possession at the time copies of many of the threats they had received, and that they and their associates had suggested the names of several potential suspects to the police after the explosion.

In reality, Earth First!ers were repeatedly the targets of violent acts in the logging district, never perpetrators of it. Like the original Freedom Summer campaign in Mississippi, Redwood Summer was to be strictly nonviolent; participants would be required to sign a pledge and receive intensive non-violence training to help them survive attacks and provocations without responding in kind. In addition, Judi and Darryl, with others, held a public meeting to announce the movement's promise that there would be no equip-

Judi Bari and Darryl Cherney



radical revision of the rules governing timber "harvesting" in California, which, at the time of the bombing, had high ratings in opinion polls.¹⁵ The initiative enjoyed broad-based support, and Earth First! carefully kept its public distance, hoping through direct action to preserve as many trees as possible until the initiative passed and preserved them forever. After the bombing, the opposition branded Forests Forever "the Earth First! Initiative," and signs and fliers appeared urging votes against the so-called "bombers' proposition"; in November, the measure lost by 1.5% of the vote. One semi-systematic calculation has it that the timber companies have taken in some \$3 billion in revenues since 1990 that they would not have received had the initiative passed.

Chief among the companies then and now is the Maxxam Corp., run by the notorious corporate raider Charles Hurwitz, famous for the legalized theft of \$1.6 billion from taxpayers that was needed to bail out his looted Texas savings and loan enterprise. Maxxam had recently taken over the Pacific Lumber Company, the oldest timber operation in the area; Maxxam paid for P.L. with junk bonds, then tripled its annual timber cut to pay down the debt. Another timber mogul, Harry Merlo of Louisiana-Pacific, had said publicly of the uncut timber still "on the stump": "We log to infinity, because we need it all. It's ours. It's out there, and we need it all. Now."¹⁶ Strikingly, P.L. under Maxxam had recently retained the Washington P.R. firm Hill & Knowlton - notorious for concocting the lie during the first Gulf War that Saddam Hussein's storm troopers were stealing babies from their incubators in Kuwait - to tend his company's image and help defeat the "Forests Forever" initiative.

A week after the bombing the plot thickened considerably when an apparent anti-abortion religious fanatic, calling himself "the Lord's Avenger," sent a letter to a local newspaper taking credit for the bombing.¹⁷ He recited details about the construction of the bomb that only the bombers (and the FBI, which had the evidence) would know, including the motion-trigger-

ing device, and affirmed that it had been hidden under the seat. He claimed to be acting on instructions from the Lord to scourge the "devil woman" for her part in defending a Planned Parenthood clinic during an anti-abortion rally a year and a half earlier. He rejoiced that she

**ONE JUROR,
INTERVIEWED AFTER
TRIAL, SAID SHE WAS
INSULTED THAT THE
DEFENDANT OFFICERS
AND AGENTS EXPECTED
HER TO BELIEVE THEIR
COVER-UP.**

had not died, but would live on in pain, and warned others who would "worship trees" that a similar fate lay in store for them.

Although the FBI Crime Lab quickly confirmed that the letter's description of the bomb was accurate, the FBI and OPD investigators made no serious attempt to analyze the letter itself, identify a usable

fingerprint it carried or trace the watermark in the paper it was written on. Nor, with one desultory exception, did they investigate people in the local anti-abortion ranks, like those photographed at the clinic protest, who might have written it. Instead, they pretended to believe that Judi was behind the letter, even though it was written (or at least finished) after the bombing, and the writer ranted on in very elaborate fundamentalist Biblical rhetoric, which Judi knew nothing about. The police used the letter as justification for a second search of her home, which they tore up again just as her children were regaining some semblance of emotional stability, producing another round of nasty, defamatory headlines and top stories.¹⁸

The Lord's Avenger letter also described another, very similar pipe bomb that had partially exploded two weeks before the Oakland bombing, at a Louisiana-Pacific mill in Cloverdale, California, some way south of the areas where Earth First! was active. Although it was accompanied by a sign that read "L-P screws mill workers," fully qualifying it as an act of terrorism under the FBI's definition, the Terrorism Squad had completely ignored it. Then, the evening after the bomb exploded in Oakland, FBI agents told the

The FBI contended that Judi and Darryl had planted the bomb themselves.



Judi Bari.org Photo Gallery

Oakland cops they believed there was a connection between the two bombs, and the OPD passed this along to the press. The Lord's Avenger described the construction of both bombs, and said he placed the first one "to bring infamy" on the devil woman, but its failure to work properly had been a sign from the Lord that he should not work by "indirection." Why the FBI ignored this earlier bomb until its counterpart exploded under Judi's car seat - despite the fact that it was duly reported to the Terrorism Squad by local police - remains an abiding mystery in the case.

After the letter, as the controversy continued to boil - and counter-charges of political persecution against the FBI actually broke through in the press in a modest way - the FBI brought a high-level bomb expert to Oakland from its Washington, D.C., Crime Lab, to inspect the bombed car first-hand. This agent, David R. Williams, quickly pointed out the obvious to the assembled investigators: The pipe bomb had sat crosswise under the driver's seat, and was covered with a blue towel in any case, so it was not in plain view at all.¹⁹ Its end caps had flown off sideways in the explosion and left "impact points" in the frame of the car, marking exactly where the pipe had been located; Agent Williams confirmed that any competent bombing investigator would have known this. He also confirmed the presence of the motion trigger device (a ball bearing set in a depression in the masonite base the pipe and circuitry were mounted on, designed to bounce up and contact live wires crossed above it, completing a circuit), and later testified that the bomb had "functioned as designed."

However, rather than drop the manifestly baseless case, the police kept this information secret, and went on publicly insisting that Judi and Darryl were "the only suspects."²⁰ Finally, on July 17, 1990, the Alameda County District Attorney announced he would not pursue the case, because there was not enough evidence "to prove guilt beyond a reasonable doubt." In fact, there was no evidence at all connecting Judi or Darryl to the bomb, as the defendants acknowl-

edged in the civil trial. Instead, they tried to defend themselves on the grounds that their actions were legally reasonable, even if mistaken. But there was no mistake. Even after their own expert, Williams, debunked their case on June 17, the FBI kept up its sham "investigation" of the bombing, surveilling and harassing a wider group of environmental activists throughout California. If they talked to anyone outside this community, it was only to try to get dirt on Judi and Darryl. In the meantime, never seriously sought by any law enforcement agency, the bomber(s) are still at large.

In 1991 Judi and Darryl named various FBI agents and Oakland police officers in a lawsuit charging unlawful interference with their rights of free expression and association, under the First Amendment to the U.S. Constitution, and false arrest and illegal search and seizure, under the Fourth Amendment. After six weeks of trial, and seventeen days of deliberation, the jury sustained most of these claims and awarded plaintiffs a total of \$4.4 million in compensatory and punitive damages. The jury - two men and eight women, two Blacks and eight Whites, two city dwellers and eight suburbanites - had not, by and large, confronted police repression in their own lives. The Court barred plaintiffs from putting on evidence of COINTELPRO, the secret persecution of the Committee in Solidarity with the People of El Salvador (CIS-PES) and other groups and individuals active in the Central American solidarity ("Sanctuary") movement, the hiding of the evidence against the Birmingham church bombers, the murder frame-ups engineered in Boston to protect FBI mafia informants, the false prosecution of nuclear scientist Wen Ho Lee, and other FBI misdeeds throughout its long history of political repression. The Court dismissed COINTELPRO specialist Richard W. Held, Jr., from the case early on, accepting at face value his bald denial that he had any active role in or particular knowledge of the frame-up, and holding that plaintiffs had not provided evidence that he was under "any duty to supervise the day-to-day activities in any given investi-

gation." Despite this myopia, however, a perfectly mainstream American jury, when it finally saw the evidence in this case, also clearly saw the frame-up, and the malevolence behind it, and for once the FBI was busted. The First Amendment awards in particular, more than 80% of the total, confirmed the basic allegation: that San Francisco FBI agents had set out deliberately to "expose, disrupt, misdirect, discredit or otherwise neutralize" Redwood Summer, Earth First!, and Judi and Darryl.

Unlike the bust of Judi and Darryl, however, the verdict failed to reverberate in the news from coast to coast. It was front-page news in the Bay Area, but page thirteen in the *New York Times* - where the bombing itself had been on page one - with one clueless follow-up article a few days later, then nothing more.²¹ Despite an unprecedented multi-million-dollar jury award against FBI agents for blatantly anti-constitutional scheming, fabrication, and false swearing, the verdict has received no mention in media accounts or assessments of recent FBI practice in connection with the failures and lapses leading up to the September 11th attacks, or abolition of the Attorney General's Guidelines - which can be theoretically used to prohibit surveillance and investigation, let alone deliberate, illegal slander and disruption of legitimate protests - by the usurper administration which has since come to power.

Still, the case does matter to a large and conscientious group of people appalled by the rapidly developing U.S. police state, and the Bush administration's quest for world domination through endless war.

We won this case through a combination of powerful evidence, skillful lawyering, great and sustained volunteer work and financial support, and good luck. The plaintiffs' many dedicated supporters deserve credit for helping to bring the case to trial and conclusion. They lined up daily to pack the courtroom, and many were turned away each day. The trial was a dramatic contest between opposing cultures and aesthetics - a showdown between flowers and flags. Our side wore colorful ties and fresh flowers on our lapels

each day. The other side dressed funereally in dark suits, with American flag pins. We interrogated the interrogators, for once, and caught them in lie after lie. One juror, interviewed after trial, said she was insulted that the defendant officers and agents expected her to believe their cover-up.

When COINTELPRO was exposed by the Church Committee of the U.S. Senate in the 1970s, the FBI took it off the books, but they continued to practice it. Now — as Ashcroft has indicated — they can be expected to write down even less, keep fewer records which might become evidence in court and generally ratchet up the secrecy of the secret police. In this struggle, as eleven years of unflagging and clamorous support by a wide community of talented supporters showed, our best assets are each other. The People kept this case alive and brought it to trial, and proved that we can win.

Viva Judi Bari!

Dennis Cunningham, lead counsel, and **Ben Rosenfeld** are two members of the plaintiffs' legal team, which also included Bill Simpich and Robert Bloom of Oakland, J. Tony Serra of San Francisco, and paralegal Alicia Littletree, the team M.V.P. Cunningham and Rosenfeld practice law together in San Francisco, California, specializing in civil rights police misconduct. Dennis was a founding member of the People's Law Office in Chicago, and helped represent the Attica Prison Brothers in their 28-year civil rights suit against the State of New York, and the family of slain Chicago BPP leader Fred Hampton against the FBI and Chicago Police, after they assassinated Hampton with Mark Clark in 1969. Ben Rosenfeld joined the Bari case in 1997 while he was still a law student. For more information about the case, and the other members of the legal team, please visit www.judibari.org.

NOTES

1. Portions of this article originally appeared in the Sept. 2002 issue of *Guild Notes*, the Newsletter of the National Lawyers Guild, and also the Fall 2003 edition of *Guild Practitioner*, the NLG law journal. More information and many original documents from the case can be found at www.judibari.org.
2. Judi, who survived her terrible injuries, albeit with crippling pain, died tragically of breast cancer on March 2, 1997, at age 47. Until then, she continued to work tirelessly in defense of the environment and workers, and against repression by the political police in her own case. She has inspired countless activists and her living legacy includes the alliance between Teamsters and Turtles at the WTO protests in Seattle and the Alliance for Sustainable Jobs and the Environment between steelworkers and environmentalists in California. When the end was near, Judi would say, "Don't mourn, organize"; and her great spirit guided her friends to victory in this case.
3. Four people, including Foreman, had been arrested at Tucson for conspiracy and attempt to sabotage power lines, after an FBI undercover agent, Michael Fain, managed to get inside their group, which, without Foreman, had indeed engaged in sabotage and was planning more. The case ended abortively in mid-trial in 1991, before Agent Fain was to testify, with a plea deal in which most charges were dropped, Foreman received probation, and the other three served short prison terms. See depositions of Peg Millett, and SA Fain.
4. The plaintiffs collected a large amount of clippings and TV news videotapes, from the first days and the whole period, a number of which were submitted to the Court in an omnibus exhibit helping to show the overall impact of the arrest and the sensational false charges. See Trial Exhibits Nos. 401 and 702, and website.
5. Judi Bari, "The Feminization of Earth First!," *Ms. Magazine*, May 1992, reprinted in Bari's *Timber Wars* (Monroe, Me: Common Courage Press, 1994); Deposition of Betty Ball, pp. 61-62.
6. Judi Bari, "Timber Wars," *Industrial Worker*, Oct. 1989, reprinted in *Timber Wars*; "Punch Punctuates L-P Wood Chip Protest," Mike Geniella, *Santa Rosa Press Democrat*, June 10, 1989; "Altercation Mars Peaceful Protest," Keith Michaud, *Ukiah Daily Journal*, June 16, 1989; "Loggers, Protesters Get

- into a Brawl," Pat McKay, *Santa Rosa Press Democrat*, Aug. 17, 1989; "Loggers, Protesters Scuffle; One Injured," *Ukiah Daily Journal*, Aug. 17, 1989. "Logging Protesters Claim Pattern of Violence," Mike Geniella, *Santa Rosa Press Democrat*, March 28, 1990.
7. Randy Foster, "A Carload of Earth First!ers Rear-ended by Logging Truck," *Ukiah Daily Journal*, Aug. 20, 1989; Keith Michaud, "Accident? Intentional? It may depend on your point of view," *Ukiah Daily Journal*, Aug. 1, 1989.
 8. Director's Memo, Aug. 25, 1967; included in *Counterintelligence: A Documentary Look at America's Secret Police*, a collection published by the National Lawyers Guild, first edition, 1980; see generally, www.Cointel.org.
 9. See OPD search warrant application, April 25, 1990; Trial Exhibit No. 128, p. 3.
 10. See OPD "Consolidated Arrest Reports", Trial Exhibit No. 101, pp. 15-16.
 11. See Note 4, above.
 12. Trial Exhibit No. 124.
 13. Trial testimony of Tom Viers, OFD, April 10, 2002.
 14. Trial Exhibit Nos. 1601, 02, 03; Testimony of Dr. Peter Slabaugh, Oct. 22, 2002; Slabaugh Deposition, p.18.
 15. Trial testimony of Cecelia Lanman, May 1, 2002; the text of Prop. 130 can be found through <http://holmes.uchastings.edu/Welcome.html>.
 16. Seth Zuckerman, *Saving Our Ancient Forests*, (Venice, Calif.: Living Planet, 1991), p. 44.
 17. "I Built Bomb," Mike Geniella, *Santa Rosa Press Democrat*, May 31, 1990. Trial Exhibit No. 210-A (not in evidence); see website.
 18. "Nails, Ribbon Seized in Second Bari Home Search," *Santa Rosa Press Democrat*, June 28, 1990; "Police swoop down again on Earth First! suspect's home," *Oakland Tribune*, June 29, 1990; "Bomb materials linked to victims," *San Francisco Chronicle*, July 6, 1990; "Police claim nails link car bomb to activists," *Oakland Tribune*, July 6, 1990; "Search links Bari, bomb," *Santa Rosa Press Democrat*, July 10, 1990; "Earth First! car bomb was built at home of victim, police say," *San Jose Mercury News*, July 11, 1990.
 19. Testimony of SSA David R. Williams, April 18, 2002.
 20. Press conference statement of defendant Clyde M Sims, OPD lieutenant, on May 25, 1990; Trial Exhibit No. 702.
 21. "Environmentalists hurt, then held in Blast," *New York Times*, May 26, 1990; "Environmentalists Win Bombing Lawsuit," *New York Times*, June 12, 2002.

Denver Police Keeping Files on Peace Groups

COINTELPRO MAKES A COMEBACK

Loring Wirbel

Files released in November 2002 by the Denver Police Intelligence Bureau indicate constant infiltration and observation of such groups as American Friends Service Committee, Citizens for Peace in Space, and Pikes Peak Justice and Peace Commission. The files indicate regular information-sharing between undercover police groups in Denver, Colorado Springs, and Omaha, Nebraska.

The files cover the period of 1998-99, well before both the post-September 11th increase in civil surveillance in U.S. metropolitan police squads, and even pre-dating the expansion

of Justice Department surveillance that followed the Seattle anti-globalization demonstrations of November 1999. Mark Silverstein, legal director for the American Civil Liberties Union's Denver office, said that release of the files represents an anomaly that says little about

**POLICE INTELLIGENCE BUREAUS
HAVE BEEN SHARING INFORMATION
ACROSS JURISDICTIONS, RAISING
SPECTRES OF A RESUSCITATED LAW
ENFORCEMENT INTELLIGENCE UNIT.**

A Denver group prepares to "take the streets" in Colorado Springs on Feb. 15, 2003, shortly before police used tear gas on the crowd -- which they had been prepared to use before any civil disobedience was attempted.



Loring Wirbel

what cities may be doing in the wake of the Bush administration's "War on Terror."

"If this is what police agencies were doing four years ago, it only serves to suggest what they might be doing now - though we may have little chance of finding that out," Silverstein said.¹

Release of the files happened as a result of an ACLU lawsuit filed against the city of Denver in March 2002. Because the group had evidence of snooping on social justice groups, which the police had kept hidden from Mayor Wellington Webb, the mayor and city council supported a purging of the police files. Furthermore, the city attorney supported opening the files to citizens for a 90-day period before they were destroyed. The Denver police admitted to maintaining files on 3,200 individuals and 208 organizations.²

Because of heavy police presence at peace rallies at Buckley Air Force Base and Schriever Air Force Base during the 1990s, this writer elected to ask for his personal file, and the files of the Citizens for Peace in Space organization, in early October. The police released single-page personal and organizational files that same day.

On November 15th, Silverstein's staff sent out a letter asking for more details from any citizen who had been notified that additional information had been "found" in September, during an expanded search at police headquarters mandated by the ACLU's discovery process. That same day I received several pages of file information, indicating why the Denver Police had been anxious to keep this group of files out of sight.

The files, with names of individuals blacked out, reveal regular detailed monitoring of a Global Network peace conference in April 1998 at Colorado College; of an August 1998 Plowshares action at a Minuteman-II silo; of a legal June 1998 demonstration at Buckley; of a Space and International Law conference in Denver in February 1999; and of a March 1999 demonstration at Peterson Air Force Base in Colorado Springs.³

At the Peterson demonstration and Denver law conference license plate numbers were tallied and associated with individuals. The police also tracked ties between the boards of CPIS and the Pikes Peak JPC. At the February 1998 conference police were particularly interested in the presentations from two board members of the Global Network Against Weapons and Nuclear Power in Space: Helen John, of the Menwith Hill Women's Peace Camp in England; and Regina Hagen, of the Darmstadt Peace Center in Germany. While coverage of the John and Hagen speeches was largely accurate, the police agent covering the conference falsely claimed that CPIS director Bill Sulzman had called for sabotage at military bases.

Detailed coverage of the Colorado Springs conference, and coverage of a speech Sulzman gave in Omaha, indicate that police intelligence bureaus have been sharing information across jurisdictions, raising spectres of a resuscitated Law Enforcement Intelligence Unit (LEIU).

In the 1970s, discovery in the Karen Silkwood civil case revealed that the Justice Department's Law Enforcement Assistance Administration had funded the LEIU, a private police-intelligence "club," for more than a decade. LEIU utilized regional intelligence centers like the Rocky Mountain Information Network (RMIN) in Arizona, as a way of sharing unverified "Red Squad" files across municipal boundaries. LEIU abuse was so pervasive, the organization went into sleeper status in 1978, and the scandals were one factor leading to the demise of LEAA in 1980. LEIU, however, never died.⁴

There had been suggestions since the mid-1990s that federal funding for LEIU was being revived under the Justice Department's Regional Information Sharing Systems (RISS) program. RISS sponsored computer-system upgrades for regional centers like RMIN. And the interest of these police groups in peace activists was obvious - John Vinson, director of RMIN since 1997, was the former director of both the

North American Aerospace Defense Command and the U.S. Space Command.⁵

Release of the police files sparked a one-day media frenzy, initiated by a detailed discussion of police policy in the *Colorado Springs Independent*.⁶ Writers pried out some interesting discrepancies on surveillance policies from police in Denver and Colorado Springs, and the Colorado Springs City Council agreed to hold hearings on police actions. But the attention did not extend beyond the immediate issue of CPIS, AFSC, and PPJPC. It did not look into the general issue of false information being shared by police agencies via regional networks.

Since several other social justice groups were slated to receive expanded files before year's end, the story of the Denver files is scarcely at an end. But we still know very little about the expansion of regional police intelligence-sharing under RISS funding. And in the aftermath of the secrecy surrounding the USA Patriot Act and the establishment of the Department of Homeland Security, activists will have to work hard to insure that the Denver revelations are not a special case in an otherwise solid wall of secrecy nationwide.

NOTES

1. Silverstein, personal communications, Nov. 25, 2002.

2. Sean Kelly, "Police 'Spy Files' Assailed," *Denver Post*, March 12, 2002, p. 1; Sarah Huntley, "Cops Have 'Spy Files', Groups Say," *Rocky Mountain News*, March 12, 2002, p. 5A; John Ingold, "Webb Orders Spy-Files Review," *Denver Post*, March 14, 2002, p. 1; John Ensslin, "'Spy Files' A Mistake, Webb Says," *Rocky Mountain News*, March 14, 2002, p. 4A; "Police Files Raise Rights Concerns," *The New York Times*, March 14, 2002.

3. Denver Police Intelligence Bureau Information Summaries, property of the author, *op. cit.*

4. Richard Rashke, *The Killing of Karen Silkwood*; Jim Houghan, *Spooks: The Haunting of America - The Private Use of Secret Agents* (New York: Bantam Books,

DENVER POLICE DEPARTMENT INTELLIGENCE BUREAU INFORMATION SUMMARY

SUSPECTS NAME:

DATE:

PAGE: 2

ALSO SPEAKING WAS A [REDACTED] OF DARNSTADT, GERMANY. [REDACTED] RELATED SHE HAS BEEN ACTIVE IN GERMANY BUT RELATED SHE HAS NOT BEEN INVOLVED IN CIVIL DISOBEDIENCE. [REDACTED] SPOKE VERY GOOD ENGLISH AND WAS VERY WELL SPOKEN. SHE RELATED SHE HAS BEEN TRAVELING FOR SEVERAL WEEKS IN THE UNITED STATES AND RECENTLY VISITED THE KENNEDY SPACE CENTER IN FLORIDA. [REDACTED] RELATED SHE FOUND IT VERY INTERESTING, BUT RELATED THAT NASA DOES A GOOD PUBLIC RELATIONS JOB ON COVERING UP EVERYTHING THEY ARE INVOLVED IN BESIDES THE MANNED MISSIONS. SHE RELATED LITTLE INFORMATION WAS AVAILABLE ON THE "CASSINI" SPACECRAFT. THE "CASSINI" WAS LAUNCHED AND IS NUCLEAR POWERED AND THIS GROUP FEARS THAT IT WILL CONTAMINATE SPACE OR FALL TO EARTH CAUSING NUCLEAR POLLUTION.

ALSO REPRESENTING GERMANY WAS A [REDACTED] HE DIDN'T SPEAK BUT [REDACTED] RELATED HE HAD BEEN INVOLVED IN PROTESTS AND CIVIL DISOBEDIENCE SINCE THE 1980'S IN GERMANY.

ANOTHER SPEAKER WAS IDENTIFIED AS [REDACTED] FROM ENGLAND. [REDACTED] HAS ALSO BEEN INVOLVED IN PROTESTS OF AMERICAN MILITARY BASES IN ENGLAND FOR A LONG TIME.

ALSO IN ATTENDANCE WERE SEVERAL LOCAL PEOPLE INVOLVED WITH [REDACTED] THEY WERE IDENTIFIED AS [REDACTED] AND [REDACTED] WHO ARE BOTH LONG TIME PROTESTORS.

Denver Police Department
Copies of Purged Intelligence File

Released to:

By:

Date:

FOR 29 WIREBEL
[Signature]
1/11/302

Direct Action by the First Nations of Canada

"ANTI-TERRORIST" TACTICS USED TO SUPPRESS DEMOCRACY

John Moore

As world buyers become increasingly desperate for forest products, rare minerals and cheap oil, and as the multinationals and the Canadian government grow increasingly anxious to make the sale, the native peoples of Canada have come under enormous pressure to provide these resources from their ancestral lands.¹ While the aggressors proceed simultaneously on three fronts—political, legislative and military—it is the military and paramilitary threats that seem most ominous to embattled native communities. The Royal Canadian Mounted Police (RCMP) each day look less like Dudley Do-Right of cartoon and movie fame and more like a SWAT unit from the Philadelphia police force. Even more frightening is the mysterious regular army unit called Joint Task Force 2 (JTF2), which may already have Indian blood on its hands from a "training exercise" in Peru.²

Unfortunately, JTF2 may soon have an opportunity to test the adequacy of its "anti-terrorist" training. On the heels of a phony referendum on Indian rights held in British Columbia last summer, native leaders of the First Nations have stated that any attempt by the government to implement the propositions of the referendum might result in "direct action" from native people, reminiscent of the bloody standoff at Oka, Quebec, in 1990, which cost the government upwards of 200 million Canadian dollars.³ Consistently, violence has followed political setbacks for native peoples, more recently when police killed unarmed Indian demonstrator Dudley George at Ipperwash Park, Ontario, in 1995, ironically while he was protesting government violence at a military base.⁴ At about the same time, at Gustafsen Lake, 350 kilometers

northeast of Vancouver, five hundred Mounties assembled to arrest and disperse about fifty Shuswap Indians as they gathered for their annual Sun Dance.⁵ This was the largest contingent of Mounties concentrated in one spot since the Indian Wars. Unable to squelch the natives, the RCMP called in JTF2, which responded with a helicopter and two Bison armored personnel carriers. A state of siege was created when government forces surrounded the camp, which was soon resupplied by truck and foot from nearby First Nations communities.

Chief Wolverine of the Shuswap Nation became a resistance hero at Gustafsen Lake when he rescued two comrades from an RCMP ambush, which was initiated by the detonation of a land mine. The next day, according to court testimony in 1998, the RCMP followed up with a sniper attack on the Shuswap camp. Apparently disappointed in the results, they applied to the regular army for .50-caliber sniper rifles.⁶ So how did Indian affairs in Canada reach the point where ambushes, land mines, and sniper rifles have become ordinary parts of daily conversation in Indian communities? To answer that, we need to take a short trip through Canadian history, unfamiliar territory for most North Americans.

A FEW FACTS

To begin with, Canada was first settled by France, not England, and the French had entirely different notions about proper relations with Indians and their territories. The original French immigrants to "New France," now evolved into Quebec, were traders, not farmers, and they tried to meld into the Indian population in the interests of promoting trade. The French government offi-

cially encouraged a policy of intermarriage, to promote the idea of a "seamless" society. One product of this policy was a numerous and culturally unique society, the Me'ti, who now number about 200,000 persons in Canada, as compared to nearly a million people of the north and First Nations. Located in the west and north, the Me'tis have tended to ally politically with the First Nations or the French, and they claim considerable natural resources.⁷

Unlike the British, the French government wrote no official treaties with Indians, and did not segregate the population and define who would live where in New France, but, inspired by the French Revolution, they tried to create a nation in which the citizens were politically, if not economically, equal. Even now, the separatist Parti Quebecois has announced that a sovereign Quebec state would allow native Nations to have autonomous regions within its borders, a position which is anathema to Anglo politicians.

The citizens of Ontario, many of whom are descendants of English-speaking "Loyalists," who emigrated from the United States after the Revolutionary War, or the "New Loyalists" who arrived to claim abundant new land offered to immigrants in the 19th century, have maintained entirely different attitudes toward native people.⁸ Like their Stateside cousins, they wanted written treaties and a sliding scale of citizenship rights which depended largely on the "blood quantum" of native people, a racist notion adapted from the classification of African slaves in the United States.⁹ It was Ontario, along with Quebec, which provided the two major components of what became the Canadian nation, and it was

Ontario, farther west up the St. Lawrence River, rather than Quebec, which supplied the bulk of the population for the western provinces as they were settled and organized in the nineteenth century. The prairie provinces of Manitoba, Saskatchewan and Alberta became sparsely settled Anglophone versions of their mother province, Ontario.

The far west of Canada (British Columbia including Vancouver Island) was settled in the middle of the century, and comprised a progressive Anglo and immigrant population which was initially rather generous toward the First Nations. Through its Governor, James Douglas, a few limited treaties were written which essentially guaranteed the sovereignty and aboriginal rights of the First Nations. But these political tendencies were soon overwhelmed when the territory became a province in 1871.¹⁰

The eastern Maritime Provinces were also different from the other regions, oriented toward fishing and ship-building, with populations dating from very early times. Portuguese, Welsh, Irish and Breton fishermen were building settlements here at the same time as Columbus was sailing the Indies. Impatient with Indians, the early fishermen exterminated the Beothuk Indians of Labrador, and drove other native groups away from the coast, so they would not interfere with commercial fishing.

The North West Territories, from the Arctic Ocean to Hudson's Bay, were originally placed under control of the Hudson's Bay Company, which operated as an independent colony chartered by the British Crown. They were organizationally intertwined with the North West Mounted Police, which became the Royal Canadian Mounted Police in 1920.

THE LEGAL SITUATION

When Canada was reorganized as a British "Dominion" in 1867, it represented a tentative cobbling together of these extremely diverse provinces, rather than a forceful creation of a nation under federal hegemony, as happened in the United States after the Civil War. Consequently Canadian provinces, led by premiers instead of gover-

nors, have considerably more autonomy in Indian Affairs than states do in the U.S. They can write their own treaties with Indians. As a result, native leaders must operate in a political environment where provinces jockey with the national government and with each other for political advantage, with constantly changing policies and government "white papers" periodically augmented or retracted.¹¹ "Indian Country" in Canada is a patchwork of lands where title is guaranteed variously by French administrative documents, contracts with private companies and religious organizations, treaties with provinces, treaties with the federal government, or no documents at all. The central government is only now trying to enforce its hegemony over all other claims to Indian land, and overall political bodies which claim to represent Indians. They operate in a legal environment in which both English common law and the Napoleonic Codes, as well as fragments of United States law, must be respected.

While the 1831 U.S. Supreme Court decision in *Cherokee Nation v. State of Georgia* (301 U.S. 1) declared that Native Americans in the United States constituted "dependent nations," and were subordinate to the federal government, and although the United States Congress asserted its authority over Indian land in the infamous *Lone Wolf* decision of 1903, there are no equivalent documents in Canada. That is why provinces still jockey for authority over Indian lands, why private companies think they can acquire untrammelled control of natural resources, and why First Peoples believe they have a chance to defend their ancient patrimony by legal means.

To improve their weak legal position and move toward federal hegemony, the new Dominion of Canada, after it was confederated in 1867, looked for means to clarify and amplify their legal position vis-à-vis the native populations. At the least, they hoped that their administrative policies in the west and northwest, an area just coming under control of the federal government, would not replicate the complexities and contradictions of Indian law in Quebec and Ontario.

To that end, the Indian Act of 1876 specified that legal Indians lived in "bands," and that bands occupied "reserves," within which they could exercise political powers specified by the central government. "Bands" were directed by the Act to hold elections for chief every three years.

The First Peoples of Canada immediately exploded in protest against this "one size fits all" form of government. The Iroquois of the east pointed out that they were a "matriarchy" in which citizenship was inherited through women only, and they already had a perfectly satisfactory ancient method of election whereby the women selected the chiefs, and so they ignored the Indian Act. This was an issue which came up again in the armed confrontation at Oka, when the government at first refused to negotiate with the Mohawk women who were set forward as their tribal leaders.¹² The Cree and other First Nations west of Hudson's Bay said that traditionally sons followed fathers as chiefs, so they obligingly elected sons at the death or retirement of their fathers, in seeming conformity to the Indian Act. The First Nations of the Pacific coast, the so-called "totem pole Indians," were more perplexed than angry. Sedentary, seafaring people with populations in the thousands, they maintained a complex, sophisticated political system comprising towns, clans, phratries, elaborate titles and solemn political ceremonies, and they didn't know what to make of the idea of reverting to a simple chiefship.¹³ Like the Iroquois, they ignored the Indian Act.

But the government was dead serious about imposing this structure on native peoples, as a means of extinguishing in advance potential Indian claims to natural resources. In 1871 they had initiated the period of "numbered treaties," which sought to confine Indians and Indian rights to small isolated tracts of land, as had happened in the U.S. with the reservation system. At that time in Canada, only about 150 of 500 bands, tribes and nations had negotiated a treaty with a province or the federal government. For purposes of treaty-making, then, most of Canada between Ontario and the Rocky

Mountains was divided into eleven numbered treaty areas, and basic negotiations within these areas lasted fifty years, until 1921. For each area, native leaders were called to a central place, where negotiations were held concerning how many "bands" there were in the area, who was in each one, and where a reserve might be located.¹⁴

Many Indian people were given the choice of being a citizen of a band, a "status" Indian assigned to no reserve, or an ordinary Canadian citizen. Sometimes different members of a family, even full brothers and sisters, chose different statuses. And so the legal battleground was set, with the government claiming that they had, with the treaties, extinguished all other land claims of the signatory bands, except for the small parcels of reserve land. They also claimed, in dramatic fashion, that title to reserves came not by right of original occupancy or "aboriginal title," but by right of British conquest and the generosity of the Monarch. This seemed odd to many tribes, which had consistently fought on the British side against the Americans, and had never been at war against the British or Canadian governments. But nevertheless the Crown stated further that, as political organizers of previously amorphous political units, they also had the right to determine who the citizens of the bands would be. But as the struggle for natural resources developed, the Crown discovered that their legal position was not as strong as they thought.

WHAT'S AT STAKE? MEGAPROJECTS!

The intensity of the current struggle over natural resources reflects nothing so much as the value of the prize. Although it was known for a long time that fabulous oil and mineral deposits existed on Indian land, especially in Alberta and the North West Territories, the costs of extraction were unprecedented—it was required to build roads, rail lines, seaports and pipelines within a sparsely populated hinterland, all the while developing technologies

to overcome problems of permafrost and frigid temperatures. It was Conservative John Diefenbaker who first recognized that only a giant consortium of governments and large corporations could collect the necessary capital, and he was elected Prime Minister in 1957 on a platform of developing the "New North" with the cooperation of native people. Such collaborative projects, now referred to as "megaprojects," are defined as representing an investment of more than a billion U. S. dollars per project.¹⁵

THE NEW NORTH IS WORTH DEVELOPING, FROM A CORPORATE PERSPECTIVE. FROM THE NORTHWEST TERRITORIES ALONE, THE TOTAL AMOUNT IS ABOUT TWO BILLION U.S. DOLLARS A YEAR, IN OIL, GOLD, SILVER, ZINC, AND ESPECIALLY DIAMONDS FROM THE EKATI MINE.

The New North is worth developing, from a corporate perspective. Although the full extent of mineral and petroleum reserves is kept secret, the amount can be roughly estimated by looking at current annual production of oil, gas and minerals. From the North West Territories alone, the total amount is about two billion U.S. dollars a year, in oil, gold, silver, zinc, and especially diamonds from the Ekati Mine.

One of the first experiments with megaprojects in the Arctic, as a "collaboration" with native peoples, occurred not in Canada but in Alaska, where it was carefully monitored by native leaders both in the U.S. and Canada. Hailed as the "final solution" for native claims to resources, the Alaska Native Claims

Settlement Act of 1971 assigned fifteen percent of the area of the state, 40 million acres, to 220 Indian and "Eskimo" villages. The native peoples also received subsurface rights to another 16 million acres, and government approval to negotiate for themselves with multinational corporations for the extraction of resources. They were to receive a half billion dollars in cash from the federal government, paid in eleven yearly installments, and another half billion to be paid by the State of Alaska for land and resources conveyed to the State by native peoples. It sounded like a good deal.

What the native peoples did not fully understand, however, was that the international market for oil and minerals was extremely volatile, and megaprojects had to be prepared to close down periodically, even for years. But the monthly mortgage bills for equipment still had to be paid, and the property maintained. The multinational corporations usually hedged against these market fluctuations by creating an international economic structure in which they could temporarily move their capital and other assets from a money-losing enterprise to some other project

where the market was up—Indonesian nickel or Bolivian tin. The Indians couldn't do that. Instead they had to use their government grants, and mortgage their subsurface rights to pay contractual obligations. A cynic would say, "That's what the multinationals wanted in the first place." By 1990 most Alaskan natives' enterprises were bankrupt, and there remained an enormous pile of debt, with no way to get out of the mess except selling off the resources they had originally been determined to protect.

The creation of the Canadian native territory of Inuvialuit in 1984 constituted the second major step by multinationals and governments to extinguish native land title in the American arctic. The

Inuvialuit agreement was followed by four more in the Canadian arctic, of which the 1993 arrangement with the Inuit to create the Territory of Nunavut was the largest. Several more agreements remain to be written in what is now called the Territorial North—every-

will have a free hand in drilling for oil in the Beaufort Sea and piping the oil to Alberta, where a modern oil-processing infrastructure already exists, 2) BHT Diamonds Inc., which hopes to encircle the Canadian Shield with its diamond production facilities, and 3) Metall

look around for allies. But then it will be too late.”

LUBICON AND DELGAMUUKW

The two decisive battles of the legal war over Indian resources will probably be fought around issues raised in the cases called Lubicon and Delgamuukw.¹⁷ Lubicon, as a community and a court case, has been described as the spiritual heart of the struggles of the First Nations, and Delgamuukw has been called, perhaps prematurely, “the first real victory.”¹⁸

The Lubicon Lake Indian Nation is a Cree Indian community in northern Alberta which was promised a reserve under Treaty Eight in 1939. Primarily dependent on hunting and trapping for survival, they rejected the small reserve initially offered, and claimed a larger territory. Negotiations and court cases dragged on and on until 1979 when, against Lubicon objections, a road was cleared to Lubicon Lake. In retrospect it seems that by that time the authorities realized that the Lubicon Nation was sitting on top of one of the richest oil fields in North America. So the road was built and by 1982, more than 400 oil wells had been drilled within fifteen miles of the community and lake. Their economy was ruined and the community sank into poverty, but they held on in the negotiations, asking compensation for their ruined economy and demanding a share of the oil revenues.

In October of 1988 the Lubicon community took direct action to preserve their land. They armed themselves and built roadblocks on all roads leading to Lubicon. They hid behind the barricades and waited for the government response. It came soon enough as the RCMP appeared in force, complete with snarling attack dogs and helicopters. They arrested 27 people, but the Lubicon tactic worked. The Premier of Alberta soon appeared to offer a temporary reserve of 246 square kilometers. They all went back to the negotiating table.

In 1989, the government added insult to injury by awarding timber rights for the contested Lubicon territory to Daishowa, a Japanese pulp and paper company. But through it



Ian Barrett

Isolated Mohawks reacted to army abuse like psychological warfare tactics and spoilt supplies at the Treatment Centre in Kanehsatake, Sept. 4, 1990.

thing north of the southern tier of provinces. The agreements essentially award title to about 20 percent of the land to native peoples. They also get mineral rights to about one-fourth of that 20 percent, five percent of the total original area. They will get one billion Canadian dollars in cash, to spend on projects affecting about 100,000 citizens. Also, they have exclusive hunting, trapping and fishing rights over the 20 percent of the land assigned to them, and can negotiate for such rights on the rest of the land. Most native leaders who have made public statements realize that 80 percent of their land, its wealth and resources, are gone forever, despite government promises. But they have kept a little something for themselves. The rest lies in the hands of 1) Esso Resources, which

Mining Corporation, which has already invested one billion Canadian dollars in its Izok Lake Project to extract lead and zinc from complex ores.¹⁶

But the Beaufort Sea and Izok Lake are a long way from Ottawa and Winnipeg, and the problems of the Northern Territories do not seem to be of a piece with the problems of Indian communities at Oka, Edmonton or Victoria. As one Vancouver activist put it: “We don’t get much support from the Inuit. They live in kind of a fantasy land. They think they can buzz around in their motorboats and hunt seals forever. But the full force of Canadian capitalism hasn’t hit them yet. Some day the company geologists will come around and want to negotiate for the rest of the land, and the Inuit will get alarmed and

all the Lubicon community stood fast, surrounded by millions of dollars in resources they feel they own, but supported day to day by contributions of food, clothing and money from religious groups and from other First Nation communities.¹⁹ Still hopeful after more than sixty years, each week the Lubicon community puts together "gas money" so that their negotiators can travel to the seemingly endless meetings with government officials.

Stakes in the Delgamuukw case are even higher, nothing less than the billions of dollars in resources remaining in British Columbia which, for historical reasons, have never been addressed in treaties. The case is named after a man who formed a coalition of native plaintiffs in 1987 and sued to force the province to negotiate for Indian resources, instead of simply taking them at will. They were encouraged to do this by the Sparrow decision of 1990, which endorsed, although ambiguously, the idea of "aboriginal rights" as against rights of conquest. The Delgamuukw case was referred to the Supreme Court of Canada which, after months of deliberation, ruled in December of 1997 that "...Native people in Canada have a unique claim to their traditional lands, that provinces don't have the power to arbitrarily extinguish aboriginal title, and that future courts must accept valid Native oral history as a key ingredient in proving such claims."²⁰

Attorneys on the Indian side were beyond "surprised" on hearing the decision. "We were paralyzed," one said. "We didn't know what to do next because we expected to lose." So how to account for this apparent change of heart on the government side? One Indian leader cautioned, "All they said was that they will negotiate. They haven't given up anything yet." Recognizing that everything depended on the negotiations, the Premier of British Columbia, Gordon Campbell, organized a referendum by mail on the relevant issues, sent out in April 2002. Although only 35 percent of the voters responded, they gave 84-95 percent approval on eight propositions such as the following:²¹

No. 1. Private property should not be expropriated for treaty settlements.

No. 6. Aboriginal self-government should have the characteristics of local government, with powers delegated from Canada and British Columbia.

No. 8. The existing tax exemptions for Aboriginal people should be phased out.

Premier Campbell wasted no time in providing an enthusiastic interpretation of the results of the referendum. On July 3 he announced: "The government is pleased that British Columbians have provided clear and positive support for all the principles set out in the referendum... The results show that British Columbians are firm in their resolve to negotiate workable, affordable treaties that will provide certainty, finality and equality." He didn't mention that only about a third of those receiving the mailed questionnaire had responded.

Commenting on the referendum, a negotiator for the native side, Elmer Derrick, described the effort as "engineered" and "amateurish." "He doesn't have a mandate; he doesn't even have a majority." He reported that members of the First Nations Summit, meeting on Vancouver Island on September 16, had heard a lot of talk about "direct action." "What they mean by that," he said, "is blockades and demonstrations. People in the communities are angry."²² As anger and frustration mount on both sides, it may be time for the Canadian government to examine the constituent forces of its order of battle.

THE ROYAL CANADIAN MOUNTED POLICE

Although first conceived as having an Indian component, when the RCMP hit the saddle in 1873, they constituted 150 white men to oversee territories where over eighty percent of the population was Indian.²³ Organized on a military

basis, they served as squadrons of cavalry in the Riel Rebellion of Metis in 1885 and as camouflaged infantry in the confrontation at Gustafsen Lake.²⁴

In 1919 the Northwest Mounted Police became the Royal Canadian Mounted Police, and some units began to take on characteristics of



Soldiers assaulted roadblocks at Oka.

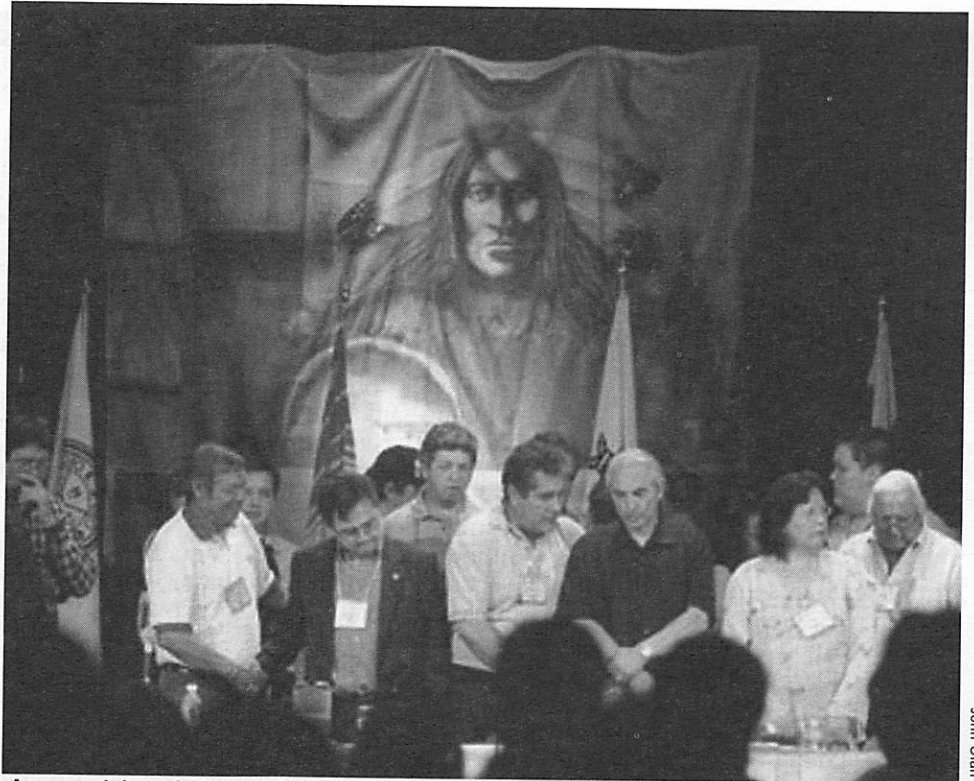
the FBI, especially the RCMP Intelligence Branch, later reorganized as the Security Service in 1970.²⁵ The Canadian government at that time did not have an equivalent to the FBI, and so the Mounties were reconfigured to fill the bill. By 1950 they were the official snoopers of the Canadian state, although they didn't do it very well. Mounties complained that before they could plant illegal bugs in a house or office, government regulations required that they first enter it surreptitiously several times to inventory the contents. They found the paperwork overwhelming.²⁶ Pressed into duty as SWAT teams, called Emergency Response Teams (ERT in Mountie-talk), out-of-shape Mounties complained about wearing helmets and full body armor as they ran down the alleyways of Montreal chasing French separatists—not exactly the romantic

image of the Mounties. They were also cited for their lack of "special skills" at Oka, Lubicon and Gustafsen Lake, and the decision was made to create a force which looked less like policemen, and more like urban assault forces or SEALs—lean, mean and well-trained.

JTF2

The name "JTF2" was inspired when Canadian officials visited Key West, Florida, in 1992, to watch a demonstration by the American anti-drug force JTF4. The Canadian group thought the name was snazzy and "sounded American" so they took it for themselves, primarily for public relations reasons; there never was a Canadian JTF1.²⁷ Over a thousand Canadian soldiers volunteered for the new "anti-terrorist force" that year, and by October the group was operational. They continued to train and in February 1994 there came an "action alert." The target was the same group of three Mohawk reserves—Akwesasne, Kahnawake and Kanasatake—where Oka was located. From the government standpoint, hundreds of young Mohawks, "under the guise of a native sovereignty movement," had seized control of the reservations for the purpose of "smuggling" cigarettes, firearms and drugs.²⁸ According to government sources, lost tax revenues already totaled more than a billion Canadian dollars. From the Indian side, Mohawks pointed out that, as a sovereign nation, they were not required to charge Canadian or American taxes on cigarettes sold on the reserves, that the firearms were for their own use, and that they had nothing to do with the drug traffic.

Nevertheless, senior police and military leaders on the Canadian side were forming a plan that was essentially an invasion of Indian territory. The plan was to sweep the entire area of the reserves with a force of 800 RCMP officers, backed



Assembly of First Nations elects a new chief in Edmonton, Alberta.

John Ulan

by several thousand regular army troops. JTF2 would be responsible for removing roadblocks and barricades, and capturing water supplies and sources of electricity. The government was worried that the Mohawk Warrior Societies were capable of deploying "a potent arsenal," consisting of rifles, machine guns and grenade launchers, at nearby Indian reserves, and could close the major highway through Ontario, Highway 401. Unfortunately for the government, the planned attack on the reserves was discovered by the press, who published what they knew, resulting in a mobilization of the Mohawks, a dispersal of their forces throughout Quebec and Ontario, and then a cancellation of the attack. Members of JTF2 complained to the press, "We had them right in our sights, and we let them go."²⁹

MOHAWK WARRIOR MOVEMENT

The Mohawk Nation, like other Iroquois nations, and like most of the First Nations in Canada and the U. S., maintains traditional warrior

societies. Their level of activity depends on the political situation. When the first barricade was built at Oka in 1990, preventing the town from expanding a golf course onto a Mohawk burial ground, young Iroquois men flocked to join the Warrior Societies. When 100 police officers of the Surete de Quebec assaulted the roadblock on July 11, the defenders not only included Mohawk warriors, women and children, but also warriors from other Iroquois nations, as well as Ojibways, Crees and Blackfoot from the west. The battle began as the police fired tear gas and concussion grenades into the barricade. The defenders were quiet until the police began firing lethal rounds, and then the Indians fired back. A policeman was killed. Almost immediately the police fell back, and then began to run. Brenda Gabriel, a Mohawk woman who was present, had this recollection: "All I can say about it is that we were certainly surprised by their choice to retreat. I guess they were caught off guard by our strength...I know we didn't have the numbers that they did...but we were determined to hold onto our land...When we saw

them run back we understood that we had control ...from that point I knew it would be different.”³⁰

Another militant at Oka learned about the tactical significance of bridges, based on their occupancy of the Mercier Bridge over the St. Lawrence River near Montreal. Mohawk Warrior Jean Catafard stated: “We felt that we could convince the provincial police that we would blow up the bridge if they attacked a second time. And they wanted that bridge back in one piece, they needed it. So as long as we controlled the bridge, we had a lot of power. It was their fear of what we would do to that bridge that gave us part of our power.”³¹

In the past two decades, First Nation militants—from Lubicon to Oka—have focused on building roadblocks and barricades as their tactic of choice when political situations have reached an impasse. In the words of a modern activist in Alberta: “I don’t believe the government really wants to shoot Indians. This is because they know we are in the right, morally and legally. But we must be willing to give our lives for our people, and for what we believe. If we show we are strong, they will come to the bargaining table.”³²

Another activist, a Mohawk living in Montreal, spoke more bluntly about the festering situation in British Columbia: “At Oka, the other tribes rallied around to help us, and we will help them. It will take me two days, tops, to drive to British Columbia. And the Premier needs to understand that his capital city sits on an island.”³³ As the newspaper stories unfold over the next several months, we will see how determined the First Nations are to defend their sovereignty and resources, and whether or not the Canadian government really wants to shoot Indians.

POSTSCRIPT: On July 16, 2003, in Edmonton, Alberta, Phil Fontaine, an Ojibwa, was elected Chief of the Assembly of First Nations (AFN), the most powerful native lobbying group in Canada. He was elected over the incumbent,

Matthew Coon Come, who had pursued a confrontational policy with official governments. This resulted in a cut-back of 50 percent in government funding for AFN, in a country where the federal government routinely finances the activities of its critics and opponents. By contrast, Fontaine is said to be “cozy” with Liberal Prime Minister Jean Chretien, who has already touted Fontaine as the “13th Premier” of Canada, alongside the Premiers of the Provinces. Fontaine said he expects to “cooperate” with the federal government. “Collaborate, I’d say,” snorted a Mohawk elder to reporters after the results of a run-off were announced. Whether Fontaine’s election is enough to discourage or prevent armed conflicts between natives and police has yet to be determined.

John Moore is a long-time activist for native causes in Canada, the U.S., Mexico, and Nicaragua. He is Professor of Anthropology at the University of Florida, and a member of the Editorial Board of Science and Society.

NOTES

1. The people called “Native Americans” in the US prefer to be called “First Nations” in Canada. So-called “Eskimos” prefer to be called by their band, tribe or national affiliation, such as Inuit or Gwich’in.
2. David Pugliese, *Canada’s Secret Commandos: The Unauthorized Story of Joint Task Force Two* (Ottawa: Esprit de Corps Books, 2002), pp. 69–70.
3. According to Ed Bianchi, Policy Advocate for the Aboriginal Rights Coalition, Ottawa. For a good description of the Oka uprising, see Linda Pertusati, *In Defense of Mohawk Land* (Albany: State University of New York Press, 1997). For the Canadian military side, see Scott Taylor and Brian Nolan, *Tested Mettle* (Ottawa: Esprit de Corps Books, 1998), pp. 34–35.
4. Pugliese, p. 54.
5. See <http://arcbc.tripod.com/lima.htm> and Pugliese, pp. 52–55.
6. Testimony in a trial reported in the *Ottawa Citizen*, Nov. 4, 1998.

7. See Jacqueline Peterson and Jennifer Brown, eds., *The New Peoples: Being and Becoming Metis in North America* (Lincoln: University of Nebraska Press, 1985).
8. These are the people called “Tories” from the American side.
9. They say “quarter-blood,” instead of quadroon, and “half-blood” instead of mulatto, but the intent is the same—to deprive a large portion of the population of their civil rights.
10. Olive Patricia Dickason, *Canada’s First Nations* (Toronto: McClelland & Stewart, 1992), pp. 202–15.
11. See *Government in Conflict: Provinces and Indian Nations in Canada*, edited by J. Anthony Long and Menno Boldt (University of Toronto Press, 1998).
12. The Mohawks are one component nation of the League of the Iroquois.
13. A phratry is a group of clans.
14. For a description of the treaty-making process, see Ch. 19 of Dickason.
15. For a close look at the consequences of the U.S. Settlement Act, see Joseph Jorgensen, *Oil Age Eskimos* (Berkeley: University of California Press, 1990).
16. Robert M. Bone, *The Regional Geography of Canada* (Oxford University Press, 2000), Chapter 10.
17. Anglos usually mispronounce the word as “Delgamooka,” but native people say that’s close enough.
18. See Don Ryan’s “Foreword” in *Delgamuukw* (Vancouver: Greystone Books, 1998).
19. For a 68-page native perspective on the Lubicon controversy, see <http://nativenet.uthscsa.edu/archive/nl/history>
20. As summarized by Stan Persky in his “Commentary” in *Delgamuukw*, p. 1.
21. Press Release, “Report on Referendum,” Premier’s Office, Victoria, BC, July 3, 2002.
22. Telephone interview, Sept. 18, 2002.
23. Dickason, p. 281.
24. *Ibid.*, p. 309.
25. John Sawatsky, *Men in the Shadows: The RCMP Security Service* (Toronto: Doubleday, 1980), pp. 59–60, 110.
26. For two unauthorized views of the Mounties, see John Sawatsky, *Men in the Shadows* (Doubleday Canada), and Richard Fidler, *RCMP: The Real Subversives* (New York: Pathfinder Press, 1978).
27. Pugliese, p. 25.
28. *Ibid.*, pp. 25–36.
29. *Ibid.*, pp. 33–36.
30. Pertusati, p. 103.
31. *Ibid.*, p. 105.
32. Telephone interview, “Robert Horse,” Sept. 9, 2002.
33. Telephone interview, Anonymous, Sept. 16, 2002.

Tobacco Companies and Free Speech

A SMOKESCREEN FOR CENSORSHIP

Lawrence Soley

In 2002, as in previous years, tobacco companies defended their right to advertise cigarettes as consistently as the American Civil Liberties Union defended unpopular political speech. When California Superior Court Judge Ronald Prager ruled on June 6 that tobacco companies violated a 1998 agreement to stop advertising to minors, the companies denounced the ruling. Tommy J. Payne, vice president of external relations at R.J. Reynolds, issued a lengthy statement condemning the decision as "politically correct, but it disregards the facts, the law, the First Amendment.... and establishes the precedent of censorship of legitimate information."¹

The following September, when Judge Prager indicated that he would dismiss a related class action suit filed by four San Diego teenagers alleging that Reynolds and other tobacco companies illegally advertised to them and other youths, R.J. Reynolds senior vice president Daniel E. Donahue praised the decision. Donahue claimed that Prager finally recognized "that there is such a thing as commercial free speech and people who manufacture and sell products that are lawful to be sold have a protected First Amendment right to advertise."²

The same month, tobacco companies in Canada challenged in court that nation's Tobacco Act, which required picture-based warnings on cigarette packages. The tobacco companies claim the Act violates their constitutional rights to free expression.³

The complaints voiced by the tobacco industry in 2002 about infringements of their free speech rights are part of a two decade-long campaign equating free speech with

the right to advertise cigarettes.

In 1998, as Congress considered a bill that would ban billboard and sports advertising reaching minors, the tobacco industry denounced the bill for trampling on freedom of speech. "We intend to assert our First Amendment, due process and other constitutional rights to [overturn] this legislation in court," threatened tobacco industry attorney J. Philip Carlton.⁴

A decade earlier, in an effort to derail a different proposal to regulate tobacco advertising, the Philip Morris Corporation, now called Altria, Inc., sponsored an essay-writing contest about the First Amendment rights of cigarette manufacturers. Advertisements for the contest appeared in influential, large circulation periodicals, including *The New Yorker* and the *New York Times*, asking entrants to write about why a ban on cigarette advertising infringed on free speech. The contest's purpose was to suggest that limits on tobacco advertising hindered the average citizen's First Amendment rights.

Philip Morris published a book including some of these essays, titled *American Voices: Prize-Winning Essays on Freedom of Speech, Censorship and Advertising Bans*, which it distributed to thousands of libraries in the United States.

Before that, Philip Morris sponsored a \$60 million advertising campaign to celebrate the Bicentennial of the Bill of Rights and free speech. More than two million copies of the historic document were distributed by Philip Morris, which also sent a traveling exhibit with one of the original copies of the Bill of Rights to all 50 states.

THE INVISIBLE GAG

While Philip Morris and other tobacco companies were publicly promoting free speech, they were simultaneously, but silently, squelching discourse about the hazards of smoking. Like their campaigns promoting the right to advocate cigarette smoking, their campaigns to silence critics lasted decades.

In their efforts to gag critics, the tobacco companies developed a series of censorious tactics that are now commonly used by other corporations, making private censorship in the United States as great a threat to free speech as government censorship. These tactics include confidentiality clauses in employment contracts; civil lawsuits; court-ordered protection or gag orders; economic pressures on the mass media; assertions of private property and privacy rights about documents; and a host of other tactics designed to curb discussions about tobacco companies and their products.

These restraints go far beyond traditional torts such as defamation and invasion of privacy, which are designed to protect individuals. Instead, the tobacco companies and, increasingly, other corporations use their deep pockets and power to limit discourse about their industries, products and consumer safety.

Because the First Amendment bars Congress, not private entities, from "abridging the freedom of speech or of the press," private restrictions on speech are and have become at least as effective at restricting speech as government restrictions.

A highly publicized example of how tobacco companies restrict

speech is provided by former Brown & Williamson research director Jeffrey Wigand, whose plight became the subject of the 1999 movie, *The Insider*. Wigand's employment contract contained a secrecy clause that prohibited him from disclosing information about the company, including its research showing nicotine to be addictive. When discharged by Brown & Williamson, Wigand was warned to remain silent. Eventually, Wigand told CBS's *60 Minutes* what he knew. The tobacco company then threatened to sue CBS if *60 Minutes* broadcast Wigand's interview, claiming that *60 Minutes* had tortiously interfered with a contract by encouraging Wigand to violate his confidentiality agreement.

Lawsuits, or threats of lawsuits, to curb debate or to punish speakers are known as SLAPPs, an acronym for Strategic Lawsuits Against Public Participation. SLAPPs are lawsuits specifically designed to punish speech and have become a favorite tactic used by corporations to silence critics. SLAPPs effectively squelch speech because they make speakers worry that anything more they say might be used against them in court; foist upon speakers the financial burden of defending themselves; shift debate from the conduct of corporations to that of the speakers; and move debate from public arenas to private, judicial forums. New York Justice Nicholas Colabella tersely summed up the impact of SLAPPs, noting that "of a gun to the head, a greater threat to First Amendment expression can scarcely be imagined."⁵

Brown & Williamson's SLAPP threat was made while CBS's owners were negotiating the sale of the network in 1995. Fearing that a SLAPP could interfere with the sale, CBS executives spiked the interview, generating howls of "censorship" from competitors in the news media, even though they engage in similar actions themselves. *The New York Times* described CBS's decision as "a chilling message to

journalists investigating industry practices everywhere."⁶

After three months of criticism that sullied its reputation as a muckraker, *60 Minutes* belatedly broadcast the Wigand interview. *The New York Times* described this decision as "half-heroic. It was precipitated not by a newfound courage from CBS's lawyers, but by the *Wall Street Journal*, which a week ago obtained and published its own account of Mr. Wigand's allegations, thereby reducing CBS's risk of a lawsuit."⁷

In 1999, the Disney Corp., owner of CBS rival ABC, released *The Insider*, a feature film about *60 Minutes*'s spiking of the Wigand interview. Although the movie was based on well-known events, Brown & Williamson nevertheless publicly

**WHILE PHILIP MORRIS AND OTHER
TOBACCO COMPANIES WERE PUBLICLY
PROMOTING FREE SPEECH, THEY
WERE SIMULTANEOUSLY, BUT
SILENTLY, SQUELCHING DISCOURSE
ABOUT THE HAZARDS OF SMOKING.
LIKE THEIR CAMPAIGNS PROMOTING
THE RIGHT TO ADVOCATE CIGARETTE
SMOKING, THEIR CAMPAIGNS TO
SILENCE CRITICS LASTED DECADES.**

suggested that it would SLAPP Disney with a libel suit because the film suggested that Jeffrey Wigand was physically, rather than just verbally, threatened by the tobacco company. To bolster its libel claim, Brown & Williamson had survey researchers go to theaters in seven cities, asking filmgoers their beliefs about the tobacco company.⁸

Despite the threats and other machinations, such as sending press releases to movie critics asserting that the movie was false, no libel suit against Disney was filed.

Although *The Insider* accurately depicted CBS's capitulation to

Brown & Williamson's pressure, it never mentioned that ABC had a year earlier than CBS also caved in to tobacco company pressures. In that case, Philip Morris and R.J. Reynolds actually filed a lawsuit against ABC charging that a segment on Day One about the tobacco companies' spiking nicotine in cigarettes was libelous. The suit was filed during negotiations about the sale of the network to Disney.

ABC settled the suit, thereby eliminating an impediment to the sale of the network. The settlement included a protective order and secrecy agreement that prohibited the network from discussing the case or revealing tobacco company documents. The tobacco companies asserted that the documents were private property and stamped legal warnings that the documents were "confidential" or that "This document and its content shall not be used, shown or distributed as provided in the court's order."⁹ Edward L. Sweda, Jr., an attorney with the Tobacco Liability Project at Northeastern University, says that tobacco companies commonly use this tactic to "keep information from the public, but also from government authorities and public health officials. The corporate environment is highly secretive."¹⁰

Sealing documents and transcripts in court cases has become another tactic frequently used by corporations to hide their wrongdoing. An egregious example of this is provided by Ford and Firestone, which settled many cases of tire failure on Ford Explorers equipped with ATX tires before the problems became widely known. When the companies settled lawsuits against them, the settlements included gag clauses and the courts sealed the settlement terms, depriving the public of knowledge about the dangers posed by the SUV/tire combination.

Companies not only assert that documents are private property, but also assert that their places of business are private property, pro-

hibiting access to the property even when the public may gather there, as is the case with shopping centers and malls. In only three states – California, New Jersey and Colorado – have state high courts ruled that shopping centers are public gathering places where citizens' rights to free speech are protected. Even in these states, protesting or distributing leaflets about corporate misdeeds on privately owned property other than in the designated "free speech zones" in malls is considered trespassing. By asserting private property rights, many corporations have successfully banned speech on their property.

To settle the suit filed against it, ABC agreed to pay the tobacco companies' legal expenses and, in a carefully crafted statement, publicly apologized for airing the program, saying that the network could not prove that the tobacco companies spiked cigarettes.

Despite the court seal, *USA Today* nevertheless obtained copies of the secret ABC brief and accompanying Philip Morris documents. The newspaper concluded that the "evidence appears at odds with both the tobacco company's public statements and the network's apology."¹¹

Brown & Williamson is not the only tobacco company to use employee confidentiality agreements to suppress discourse about the hazards of smoking; they all do. Brown & Williamson was just more ham-fisted than the other companies, but only marginally so.

Philip Morris conducted a similar campaign against Dr. Victor DeNoble, whose research for the company showed that nicotine, in addition to being addictive, altered brain chemistry. Fearing that DeNoble's research could be used as damning evidence against the company in lawsuits, the company tried to bury the research. DeNoble was told to withdraw an article submitted to a scientific journal, *Psychopharmacology*, and Philip Morris contemplated moving the experiments to Switzerland, away from U.S. court subpoenas. Finally, Philip Morris pulled the plug on the research, dismissed DeNoble, and warned him to remain silent or be sued.¹² Like Wigand, DeNoble

later broke his silence.

The tobacco companies have used SLAPPs to silence other critics, not just the news media and former employees. After Dr. Paul Fischer of the Medical College of Georgia published a study in 1991 showing that young children recognized Joe Camel as easily as McDonald's golden arches, R.J. Reynolds slapped Fischer with a subpoena, demanding that he produce his notes and the names of the children whom he studied. The subpoena claimed that the tobacco company needed the notes to defend itself from a lawsuit in California.

Fischer refused to disclose the names of his subjects and his notes, and sought to quash Reynolds' subpoena. Although it cost him \$35,000 in legal expenses, Fischer won in the Georgia Appeals court. However, the tobacco company would not give up. It then filed a request for Fischer's notes under Georgia's Open Records law.¹³

Exhausted by the protracted legal battle and the Medical College of Georgia's failure to help him, Fischer resigned from the college and went into private practice. "I'm glad I did the research," says Fischer. "It was an important study, but the consequences for me personally were not what I expected."¹⁴

The suit against Fischer is only one of many designed to punish critics of the tobacco companies. After its incriminating documents were leaked to the press, Brown & Williamson tried to use the courts to punish almost everyone involved. Brown & Williamson sued a legal secretary who photocopied incriminating company documents; sought a court order against a University of California, San Francisco, professor who received the documents; subpoenaed reporters

whose news outlets excerpted parts; and even subpoenaed members of the U.S. House, an action described by a judge as "an attempt to intimidate and, in a sense, punish" lawmakers.¹⁵

"The tobacco industry lashes out at those who go against them," says the Tobacco Liability Project's Sweda. "It punishes those who go against the corporate interest."¹⁶

Although the tobacco companies often use the courts to muzzle the news media, they have found that threats to withdraw advertising dollars from news media can be just as effective. *Mother Jones*, *Reader's Digest*, and other magazines that have carried stories about the health hazards of smoking have had their tobacco advertising yanked as punishment.

This type of public, financial punishment has made periodicals that accept tobacco advertising reluctant to carry stories about the health hazards of smoking. Research in academic journals over the last decade has consistently found that magazines carrying tobacco advertising rarely carry stories about the perils of smoking. A 1992 study found that magazines that accept tobacco advertising were 50 percent less likely to carry stories about the health hazards of smoking than magazines free of

**SLAPPS HAVE BEEN FILED BY THE
ENERGY INDUSTRY AGAINST
ENVIRONMENTALISTS, BY
DEVELOPERS AND
BUILDERS AGAINST
ENVIRONMENTAL AND COMMUNITY
GROUPS, AND BY
PHARMACEUTICAL
COMPANIES AGAINST A
HOST OF CRITICS.**

tobacco advertising, and a 1997 study found "the coverage of tobacco-related cancers is virtually absent" in African-American women's magazines carrying tobacco ads.¹⁷

Many other advertisers have learned that threats to withdraw, or actually withdrawing, advertising from news media can neutralize negative coverage. Automotive, real estate and construction advertisers have threatened newspapers so often that many newspapers have turned their "real estate" and "transportation" sections over to these advertisers. For example, the "transportation" section of the *Milwaukee Journal-Sentinel*, Milwaukee's only daily newspaper, is produced by the Automobile Dealers Association of Mega Milwaukee. The section carries advertorials with such headlines such as "Rally 'Round the Dodge Avenger" and "Buick Rendezvous Adds All-Wheel Drive" that have the appearance of news stories, but are actually ads.¹⁸

Magazines, television stations and other media also routinely gag themselves at the behest of advertisers.

The tobacco companies have used a carrot approach with magazine publishers, rather than just a stick: The tobacco companies have joined forces with large publishers, producing magazines with tobacco-friendly content. Brown & Williamson produces *Simple Living* and *Flair* with Hearst publications, and *Real Edge* with EMAP Peterson publishing. The three are written by Hearst and EMAP Peterson so they appear to be bona fide magazines, but their contents are carefully controlled by Brown & Williamson. Philip Morris and R.J. Reynolds produce similar magazines: Philip Morris produces *Unlimited* with Hachette Filipacchi Publishing and R.J. Reynolds produces *CML* with Time, Inc.

As a consequence of these cooperative agreements, young people continue to receive ambiguous information from big media about the hazards of smoking.

COPYING BIG TOBACCO

The tobacco companies' campaign to censor information about the hazards of smoking has had nega-

tive consequences for the public, particularly young people, but the greatest problem is that it has demonstrated to other corporations that critics can be silenced with SLAPPs, secrecy agreements, employment contracts, advertising pressures, and private property claims.

Suing critics of corporate policies has become commonplace, making SLAPPs one of the major deterrents to free speech. SLAPPs have been filed by the energy industry against environmentalists, by developers and builders against environmental and community groups, and by pharmaceutical companies against a host of critics. For example, the Western Fuels Association, a coal industry cooperative and lobby group, filed a lawsuit against six environmental groups, including Friends of the Earth and Ozone Action, because the groups linked coal burning and global warming.¹⁹ Another example is provided by Matria Healthcare, Inc., which filed a lawsuit against the National Women's Healthcare Network because the Network urged the U.S. Food and Drug Administration to stop Matria from promoting use of the terbutaline pump by pregnant women at risk of premature delivery, because it had never been approved as a pregnancy device.²⁰

The mass media have also been the targets of numerous SLAPPs, filed by corporations intent on limiting criticism of their products and practices. For example, Metabolife, Inc., maker of the popular diet supplement Metabolife 356, sued WCVB-TV Boston because a newscast suggested that ma huang, Metabolife 356's main ingredient, was dangerous. Briggs and Stratton, Inc., a manufacturer of small engines, sued the *National Catholic Reporter* for suggesting that the company's decision to move jobs from the Midwest to Mexico and the sunbelt to save on wage costs violated "the social teachings" of the Catholic Church.

Corporate SLAPPs have become so commonplace that some states have adopted anti-SLAPP statutes requiring plaintiffs to show that they have a probability of prevailing in court, otherwise the suit is dismissed. Minnesota has an anti-SLAPP statute that allows a defen-

dant who has successfully defended against a SLAPP to collect compensatory and punitive damages if the court finds that the lawsuit was filed "for the purpose of harassment, to inhibit the moving party's public participation, to interfere with the moving party's exercise of protected constitutional rights or otherwise wrongfully injure the moving party." Anti-SLAPP statutes such as Minnesota's curb corporations' abilities to sue critics into silence.

In California, an anti-SLAPP statute was passed after the news media and activist groups lobbied the legislature. Anti-SLAPP legislation is an area where news media and activists have a common goal. In states such as Pennsylvania, where corporations and industry groups, rather than media and activists, were the primary lobbyists, anti-SLAPP legislation was eviscerated or killed.

In addition to anti-SLAPP statutes, legislation is also needed that curbs the abilities of courts to seal documents, issue protective orders and approve secrecy agreements in civil cases. Several legislators have introduced bills to do that. In California, former State Senator Adam Schiff, now a Congressman, introduced SB 1254 during the 2000 session to curb courts' powers to issue protective orders and approve confidential settlement agreements in cases involving financial fraud, defective products and environmental hazards. The bill was narrowly focused on three specific areas of corporate misconduct, and contained provisions assuring the confidentiality of private and personal information, and "privileged communications," thereby protecting the confidentiality of informants, such as those used by *CovertAction Quarterly*. The bill garnered support from the news media and activist groups, but was roundly criticized by businesses, which successfully lobbied for its defeat.

Wisconsin Senator Herb Kohl introduced federal legislation limiting the use of protective orders and confidential settlement agreements after the revelations about the Firestone-Ford agreements became public. Kohl's bill was never enacted into law. Kohl reintroduced the bill as S. 817 this session. The pro-

posed legislation also contains an exemption for when the "public interest... is outweighed by a specific and substantial interest in maintaining" the confidentiality of sources and information.

This year, Congressman Jerrold Nadler of New York and two other Democrats introduced an amendment to H.R. 2341, a class action "reform" bill supported by industry. The amendment, one of the few positive aspects of the bill, bars the issuing protective order unless it "is narrowly tailored, consistent with the protection of public health and safety and is in the public interest" unless the public interest is "clearly outweighed" by confidentiality needs.

If free speech is to continue in the United States, much other legislation is needed to curb the corporate assault on it. Stronger whistleblower laws, curbs on the use of civil contracts limiting speech, and giving unions the right to protest on private property are just a few examples of much-needed legislation.

Lawrence Soley is a professor at Marquette University in Milwaukee and author of *Censorship, Inc.* (New York: Monthly Review Press).

NOTES

1. Statement of Tommy J. Payne, June 6, 2002, available through PR Newswire.
2. Quoted in Seth Hettner, "San Diego Lawsuit Against Tobacco Firms Moves Toward Dismissal," *Associated Press*, Sept. 13, 2002.
3. "Media Advisory: Final Arguments Begin in Pivotal Advertising Tobacco Trial," *Canada NewsWire*, Sept. 5, 2002.
4. Henry Weinstein, "Tobacco Firms Threaten Assault on Cigarette Bill," *Los Angeles Times*, April 4, 1998.
5. *Gordon v. Marrone*, 590 N.Y.S. 649 (1992).
6. "Self Censorship at CBS," *New York Times*, Nov. 12, 1995. The *New York Times* has also buried stories to please other businesses, particularly advertisers. For example, see Blake Fleetwood, "The Broken Wall," *Washington Monthly*, Sept. 1, 1999, p. 41.
7. "Smoking Guns at '60 Minutes,'" *New York Times*, Feb. 3, 1996, p. A23.
8. Kay Miller, "Tobacco Firm Surveys 'Insider' Viewers," *Minneapolis Star Tribune*, Nov. 9, 1999, p. 1A.
9. John Schwartz, "ABC Issues Apology for Tobacco Report," *Washington Post*, Aug. 22, 1995.
10. Interview, Dec. 2002.
11. Doug Levy, "ABC Brief Backs Nicotine Claim," *USA Today*, Jan. 16, 1996.
12. Kurt Kleiner, "Nicotine Research Suppressed by Tobacco Company," *New Scientist*, April 9, 1994, p. 8; Barry Meier, "Philip Morris Censored Data About Addiction," *New York Times*, May 7, 1998, p. A14.
13. Susein L. Hwang, "Fire Fight: Doctor Whose Study Tied Joe Camel to Kids Takes an Odd Journey," *Wall Street Journal*, Feb. 21, 1997, p. A1.
14. Interview, Dec. 2002.
15. "In Attacking Film, Tobacco Firm Misses Moral of the Story," *USA Today*, Nov. 19, 1999, p. 18A.
16. Interview, Dec. 2002.
17. E. Wagner, L.M. Goldenhar and C.C. McLaughlin, "Cigarette Advertising and Magazine Coverage of the Health Hazards of Smoking - A Statistical Analysis," *New England Journal of Medicine*, Jan. 30, 1992, pp. 305-11; Laurie Hoffman-Goetz, et al., "Cancer Coverage and Tobacco Advertising in African-American Women's Popular Magazines," *Journal of Community Health*, Aug. 1997, pp. 261-70.
18. *Milwaukee Journal-Sentinel*, Jan. 25, 2003, and Jan. 26, 2003.
19. David Rubenstein, "Six Environmental Groups Slapped by Coal Association," *Corporate Legal Times*, July 2000, p. 69. This lawsuit was dismissed for improper venue in 2001.
20. Cindy Pearson, "Network Sued by Matria Healthcare," *The Network News*, May 1997, p. 3.

FIGHT The Prison-Industrial Complex

It feeds one of the highest incarceration rates, and produces some of the highest rates of recidivism in the world.

You can help!

Blow the refreshing winds of critical social and political thought into American prisons for just \$17 per year.

Give a prisoner a gift subscription to *CovertAction Quarterly*.

If you don't know any prisoners in search of reading material, please contact:

**Prison Book Program, 110 Arlington St., Boston, MA 02116
Ph: 617-423-3298**

Presidential Deceit

A LEGACY REVISITED

Phillip Wheaton

In 1998, former U.S. Attorney General Ramsey Clark wrote an article for *CovertAction Quarterly* entitled "The Corruption of Covert Actions."¹ In it, Clark said, "Nothing is more destructive of democracy or peace and freedom through the rule of law than secret criminal acts by government." He added, "The fact, or appearance of covert action by government agents or their surrogates rots the core of love and respect that is the foundation of any free democratic society." Jean-Paul Sartre once said of France in the 1950s, "I wish I could love my country and also love justice." Under today's conditions of war it is even more imperative that we have the facts and speak the truth. If our nation and the actions of our government are not based upon truth and justice, it simply cannot survive. But just as Ramsey Clark said that covert actions rot the fabric of our society, I believe that prevarication rots the spirit of the nation. Presidential deceit is a gigantic threat to our democracy today, and deception is the mainstay of the George W. Bush White House. The exposure of his deceit in order to justify a war against Iraq because of "Weapons of Mass Destruction" has not only alarmed many members of both parties, but his continuing cover-ups have made his administration the laughing stock of the world.

Among a mounting list of editorialists questioning Bush's words, *Washington Post* op-ed writer David Ignatius said of the government's continued cover-ups, referring to its efforts to muzzle Amir Saadi and Tariq Aziz - two high officials in Saddam Hussein's government - that Bush has "Something to Hide." He quotes a former CIA official who argues that the muzzling of these two close associates of Saddam Hussein can only be because their

accounts would "directly refute the Bush administration's insistence that Weapons of Mass Destruction still exist somewhere [in Iraq] - an assertion that we all know is growing more questionable every day."²

But the use of this "original sin" (lying and half-truth) is not simply endemic to this one president or to any one party, but has a storied history in the United States. As an Episcopal priest, with 50 years experience in Latin America, among my many encounters with governmental prevarication - whether by Latin American despots or by U.S. officials supporting them - one of the most blatant involved the Tlatelolco massacre in Mexico City on October 2-3, 1968. Almost unknown to the American public, the motivation for that massacre and its cover-up was the need to quickly silence the students protesting torture and other abuses in Mexico's prisons, before international attention accompanying the Olympic Games exposed the Diaz dictatorship for what it was. The silencing of those students involved using 5,000 soldiers and dozens of Mexican police and secret service agents who surrounded the Plaza of the Three Cultures (Tlatelolco) to prevent any escape. At a pre-arranged signal, coordinated with sharpshooters firing from the windows of the high-rise apartments and soldiers with machine guns surrounding the plaza, all these forces opened fire with a barrage of bullets that lasted 29 minutes.³ Indeed, a former Central Intelligence Agency operations officer, who later wrote for *CovertAction Quarterly*, was involved in that massacre and because of it converted into an outspoken critic of the Agency.

While the Mexican government claimed only 50 or 60 persons died as a result of that slaughter, plus

1,000 wounded, those actually present at the plaza that night later detailed the event to me firsthand. They said they counted close to 300 bodies lined up on the plaza after the firing ended, and they watched as those cadavers were hauled away in the dark of the night, stacked up in wooden carts. The event so shocked that nation that, in many ways, the Mexican people have never recovered from it. Indeed, its traumatic impact was not dissimilar to that which our war against Vietnam had upon the American psyche.

Twenty years later, while interviewing Don Sergio Méndez Arceo, former conservative bishop of Cuernavaca, who thereafter turned into a progressive prophet, known as the "Red Bishop," talked to me about the tragedy. I asked him: "So Tlatelolco is what changed you politically?" "No," he replied, "it was the government's lying about Tlatelolco." The genocide the United States has conducted in Iraq over the last decade, while brutally obscene, has not had as much of an effect on American public opinion as the exposure of the lies used to justify the Bush administration's actions.

The false justification for war orchestrated by the White House was dramatically reaffirmed in a presentation delivered by Secretary of State Colin Powell on the world stage before the General Assembly of the United Nations in New York. On February 5, 2003, in his remarks to the U.N. Security Council, Powell declared: "Our conservative estimate is that Iraq today has a stockpile of between 100 to 500 tons of chemical weapons agents. That is enough to fill 16,000 battlefield rockets." These are not political innuendos or mere denigrations of a political despot, but direct accusations based, supposedly,

upon hard facts. However, my concern in this article is not just to unmask specific lies of particular persons, but to demonstrate that what we are observing is a pattern of deceit at the highest levels of the U.S. government, a pattern that has been operative for a long time.

For instance, most Americans now know that Lyndon Johnson lied about the 1968 Tonkin Gulf incident, which involved a purported attack by North Vietnamese gunboats upon U.S. vessels; an attack that never happened. That lie was employed by President Johnson in order to justify vastly increasing the number of U.S. troops in Vietnam. Another, far more serious, government deception that occurred in Vietnam was the My Lai massacre:

On the morning of March 16, 1968, elements of Task Force Barker moved into a small group of hamlets known collectively as My Lai in the Quang Ngai province of South Vietnam. It was intended to be a typical "search-and-destroy mission," that is, the American troops were searching for Vietcong soldiers so as to destroy them. The troops of C Company involved in this mission killed between 200 and 600 of those unarmed villagers. The most large-scale killings

event in Vietnam and the role of Colin Powell at the United Nations in our time is symptomatic of this pattern of government betrayal of the American people. When U.S. military officials finally heard about the My Lai incident, they felt its revelation could so shake up the American public that it could lead to an escalation of public opposition to the war in Vietnam. So the decision was made, at the highest levels of the Pentagon and White House, to cover up the truth.

The task of handling that cover-up was given to Colin Powell. In other words, this admired high-level government official was then, as now, fulfilling a role of public deception for the White House. Such deception – once it became known – is one of the primary reasons the American public came to oppose the war in Vietnam, and we are now seeing the rise of a similar national skepticism about the invasion of Iraq.

Dr. M. Scott Peck, reflecting on what the My Lai incident says of us as a people, "We would rather not examine ourselves and our society so closely in this regard. Our potential for evil as a group is still sufficient for us to avoid looking squarely at it."⁵

In other words, our own poten-

Consider the following examples of this pattern. First, George H. W. Bush turned Manuel Noriega into a drug monster to justify the invasion of Panama. Second, he turned Saddam Hussein into "another Hitler" to justify the Gulf War. Third, George W. Bush condemned Osama bin Laden as the most demonic of all persons thereby justifying America's invasion of Afghanistan. Fourth, George W. condemned Saddam Hussein as completely evil because of his potential use of "Weapons of Mass Destruction" in order to justify the second war against Iraq, in which United States forces used weapons of mass destruction.

If we were honest with ourselves as a country about such demonization exercises, we would necessarily look into our own mirror. And what would we see? An empire which has caused thousands more deaths than the "axis of evil." The trick about governmental lying is that for it to be effective – as Goebbels explained – the lie must be huge so no one dares to challenge it, and it must be constantly repeated until it is universally considered to be true. That's what Senator Joseph McCarthy and President Richard Nixon did. They lied big and often. Consider, then, the lies surround-

THE TASK OF HANDLING [THE MY LAI] COVER-UP WAS GIVEN TO COLIN POWELL. IN OTHER WORDS, THIS ADMIRER HIGH-LEVEL GOVERNMENT OFFICIAL WAS THEN, AS NOW, FULFILLING A ROLE OF PUBLIC DECEPTION FOR THE WHITE HOUSE.

occurred in the particular hamlet of My Lai. There the first platoon of Charlie Company, under the command of Lt. William L. Calley, Jr., herded villagers into groups of twenty to forty or more, who were then slaughtered by rifle fire, machine gun fire, or grenades. Approximately two hundred soldiers witnessed the killings. In the year that followed, no one in Task Force Barker attempted to report the atrocities that had occurred at My Lai.⁴

The connection between that

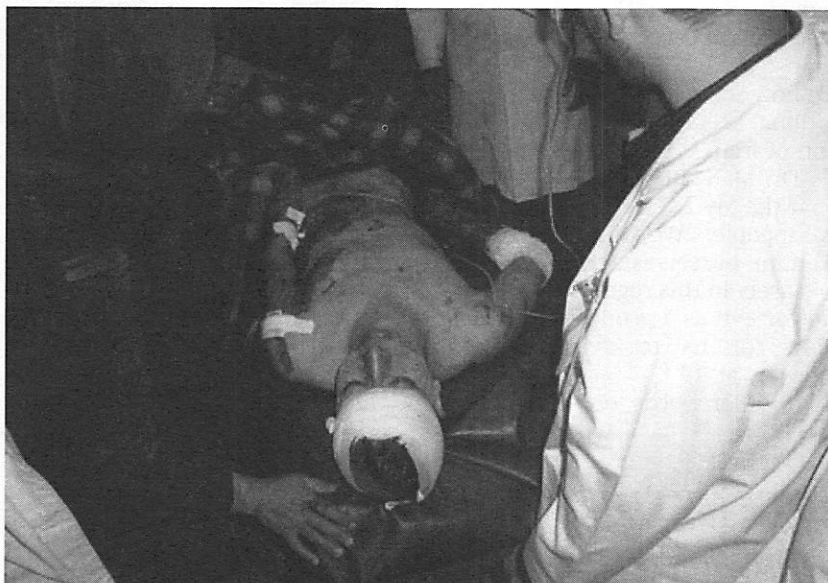
tial for evil leads not only to deceit, but to condemning others in order to hide from our own sins. Similarly, one of President Bush's strategies in rationalizing his "responsibility" to wage war has been to condemn the evil of other nations, such as those included in his "axis of evil." The danger in employing such moral categories of "good" and "evil" is that by affirming they are evil implies, naturally, that we are good, and in demonizing others we justify our own evil deeds.

ing our invasion of Iraq. Today, four months after Bush's declaration of war against Saddam Hussein and three months after his declaration of victory, no chemical, biological or nuclear weapons have been found; no documentation of their existence and no sign they were ever deployed. There have been dozens of reports that Bush and his top officials were lying to us. Consider just four of the ten lies reported by Christopher Scheer of *AlterNet* on June 27, 2003:

"We don't do body counts"
U.S. General Tommy Franks



Muhammed Adnan



16 deceitful words
Daily cover-ups

Nada Adnan

Faces of the "collateral damage" of the Pentagon's racist policies.



All photos courtesy of Iraq Peace Team, March 2003
(www.iraqpeaceadam.org) and Voices in the Wilderness (www.viw.org)

Lie # 1: "The evidence indicates that Iraq is reconstituting its nuclear weapons program... Iraq has attempted to purchase high-strength aluminum tubes and other equipment for gas centrifuges used to enrich uranium for nuclear weapons." President Bush, Oct. 7, 2002.

FACT: "Department of Energy officials who monitor nuclear plants say the tubes could not be used for enriching uranium as Condoleezza Rice said on television... And that's a lie."

Lie # 2: "The British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa." President Bush, State of the Union Address, Jan. 28, 2003.

FACT: "This whopper [of a lie] was sold to Italian intelligence by some hustler. The document carried the signature of an official who had been out of office for ten years. The ex-ambassador who the CIA sent to check out the story is pissed: 'They knew the Niger story was a flat-out lie.'"

Lie # 4: "[The CIA possesses] solid reporting of senior-level contacts between Iraq and al-Qaeda going back a decade." CIA Director George Tenet, Oct. 7, 2002.

FACT: Intelligence agencies knew of tentative contacts between Saddam and al-Qaeda in the early '90s, but found no proof of a continuing relationship... Tenet and Bush spun the intelligence 180 degrees to say exactly the opposite of what it suggested.

Lie # 6: "We have discovered... Iraq has a growing fleet of unmanned aerial vehicles [UAVs] that could be used to disperse chemical or biological weapons across broad areas. We are concerned Iraq is exploring ways of using UAVs for missions targeting the U.S." Bush, Sept. 7, 2002.

FACT: [UAV] drones can't fly more than 300 miles and Iraq is 6,000 miles from the U.S. coastline. Furthermore, Iraq's drone-building program wasn't much more advanced than your average model plane enthusiast.⁶

In addition to all this deception about Iraq, none of which involved simply stretching the truth, receiving inaccurate information or not being warned "in time" by the CIA,

as the White House has repeatedly claimed, we now learn that the underlying justification for all evils in the world since September 11th - to stamp out terrorism - is also in question. On July 25, the *Washington Post* blared the news that the "U.S. [Congress] Probe of 9/11 Finds Evidence of Multiple Failures," referring to failures by the White House, by the CIA, by the NSA and by the FBI to inform the American people and the U.S. Congress of the approaching threat of that catastrophe. One paragraph from this article reports:

"Two intriguing and politically volatile questions surrounding the Sept. 11 plot have been how personally engaged Bush and his predecessor were in counter-terrorism before the [Sept. 11] attacks."⁷ While George Tenet, CIA Director, had spoken of "war" against bin Laden and the CIA had developed a secret strategy known cryptically as "the Plan" for dealing with him, "the CIA's actual efforts to carry out covert action against [bin Laden] in Afghanistan prior to September 11, 2001 were limited and do not appear to have significantly hindered [al-Qaeda's] ability to operate..."⁸

Of course, now we also learn, by way of the congressional report on September 11, that there was never any link discovered by the American intelligence community between al-Qaeda and Saddam Hussein. Nor have there been any nuclear facilities in Iraq.⁹ (A revelation that former National Security Adviser Zbigniew Brzezinski says is "kind of comical, actually.")¹⁰

In addition, Vice President Dick Cheney's former company - Halliburton Inc., recipient of a large chunk of Iraq reconstruction cash - has recently been discovered to have created operating centers in Sweden, Canada and the United Kingdom in order to evade the longstanding American ban on domestic corporations contracting with the Iranian government, a blatant violation of State Department regulations.¹¹ Despite this obviously illegal practice, Halliburton is getting paid on time. So much for the impartiality claimed by the Bush administration in regard to the contracts offered its current and former business associates.

This confirms Ramsey Clark's warning about the danger of covert actions. Even more disconcerting as of late is the revelation that the September 11 report contains many pages of blanked-out and classified materials, suggesting that many truths are being hidden and many more deceptions are too explosive to be revealed. And so the lying continues unabated, with so-called investigations - ostensibly intended to reveal the truth - catalysts for further cover-ups and closed-door misdeeds. And as this latest case of presidential fraud reveals, not even Bush's allies are spared the effects of his deceit, as even Saudi Arabia, after sending its foreign minister on a special mission to the White House, was denied access to the "truth" - pages 396-422 of this report, the non-blanked-out portions of which took almost eight months to declassify - about the hijackings. There is no limit to the duplicity of this president, and likewise, there can be no end to our efforts to expose his deceptions.

Philip Wheaton is an Episcopal priest, Advisor and Board member of CovertAction Quarterly, a Central American and Caribbean historian and solidarity organizer.

NOTES

1. *CovertAction Quarterly*, No. 65, Fall 1998.
2. David Ignatius, "Something to Hide," *Washington Post*, July 18, 2003, p. A19.
3. See: Elena Poniatowska, *La Noche de Tlatelolco* (Mexico City: Ediciones Era, 2003), p. 167.
4. M. Scott Peck, *People of the Lie* (New York: Simon and Schuster, 1983), p. 214.
5. *Ibid.*, p. 237.
6. AlterNet, "Ten Appalling Lies We Were Told About Iraq," June 27, 2003, www.alternet.org.
7. *Washington Post*, July 25, 2003, Analysis, p. A1.
8. *Washington Post*, July 25, 2003, p. A15.
9. U.S. Senate Select Committee on Intelligence and U.S. House Permanent Select Committee on Intelligence, Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of Sept. 11, Government Printing Office, Dec 2002.
10. Interview, *Late Edition with Wolf Blitzer*, CNN, July 13, 2003.
11. "Sidestepping Sanctions: Halliburton, GE Trading with Iran Through Foreign Units, Report Finds," *Corporate Crime Reporter*, Vol. 17, No. 29, July 21, 2003.

Bhopal Victims Still Suffer

EIGHT YEARS AFTER HIS DISCOVERY, INDIA SEEKING CEO'S EXTRADITION

Louis Wolf

The people of Bhopal, India – a city of 800,000 people – were sleeping peacefully at five minutes past midnight on December 3, 1984. Then their peace was instantaneously transformed into a deadly hell on earth. A tank at the large Union Carbide (UCC) pesticide plant exploded. Thousands died horribly of asphyxiation, bursting blood vessels, convulsions, or else were trampled to death in the ensuing stampede.

At least 8,000 people died that night; another 20,000 have died since from related causes.¹ The precise number will never be known, because entire families perished making it impossible to determine who was missing. Now, almost nineteen years later, some 200,000 survivors suffer ongoing “physical and neurological effects of exposure to the gases.”²

Other lingering issues facing survivors include dizziness, nausea, and skin lesions. Women are still giving birth to infants with ghastly deformities. An investigation by Greenpeace International discovered residual mercury still in the soil at the UCC site at between 20,000 and 6,000,000 times that which would be found in non-contaminated soil. The water that survivors drink is infused with twelve deadly chemicals in quantities of as much as 600 times greater than safe levels.³

In addition to the outright racism of placing the plant in the heart of Bhopal's most impoverished sector, the company flagrantly ignored pre-1984 warnings at the plant of faulty systems and wholly inadequate safety procedures.

It must be recalled that at the time of the Bhopal calamity, the Reagan administration was engaged in a huge covert paramilitary operation in Afghanistan seeking to oust Soviet forces, with close collaboration from Pakistan's Inter-Services Intelligence (ISI). Therefore the catastrophe was relegated to the back burner by geopolitical power politics.

FINDING THE CEO

Since that fateful night, there have been unceasing calls – from India and from across the globe – for accountability of top UCC leadership, especially of chief executive officer Warren M. Anderson. Present in Bhopal shortly after the disaster, he was initially arrested, released on bail, and

charged with culpable homicide. He suddenly left India on a chartered plane, and stayed in hiding ever since. Successive Indian governments and court rulings have called for his extradition, though Washington consistently played dumb. On January 1, 1992, Bhopal court judge Ghulab Sharma placed a public notice in the *Washington Post* informing Anderson that he was a fugitive from justice and ordered him to appear in court. With apparent support from Washington, CEO Anderson ignored the judge, and remained undercover.

CovertAction Quarterly investigated and found him in February 1995, living anonymously at 11 South Catalina Court in Vero Beach, Florida. His lawyer told us lamely he had notified the Justice Department that Anderson would be available “anytime they want.”⁴ In 1995, in light of the stated desire of the Indian government to effect Anderson's extradition, a copy of our article was delivered to the Indian Embassy in Washington, D.C. True to form, Anderson stayed underground another 7 years, until he was found again in July 2002, ensconced at a million-dollar home in posh Bridgehampton, New York, this time by Greenpeace and the London *Daily Mirror*.⁵

Apparently, in the context of these, and other unknown factors, New Delhi decided to sit on the information about Anderson's whereabouts. Now, with widespread militant demonstrations, in India, South Africa, London, New York, Washington and elsewhere, calling for Anderson's return to face justice, as well as for clean-up and compensation, the Indian government has again taken up, this time formally, the cause of calling for Anderson's extradition.⁶

An ongoing class action suit filed in New York by Bhopal survivors has brought to the surface internal UCC documents proving that top management knew fully of the perilous dangers in the plant, but they took no corrective steps and issued no warnings. After the catastrophe, the company paid \$470 million in 1989,⁷ of which only \$166 million was delivered to the people of Bhopal. Nearly all the 550,000 city residents who have claimed compensation from UCC were paid the rupee equivalent of a miserly \$500.⁸ The lone sop from the company was a one-time payment of \$90 million, generated from a post-

1984 sale of company shares, for construction and maintenance of a hospital in Bhopal.⁹

Since UCC merged with Dow Chemical Company, Kathy Hunt, a Dow-Carbide public affairs officer, stated: “You can't really do more than that, can you? \$500 is plenty good for an Indian.”¹⁰

NOTES

1. Abid Aslam, US lawmakers take up Bhopal victims' fight against Dow Chemical,” *Agence France Presse*, July 23, 2003.
2. For an extensive report on Bhopal see Rob Hager, “Bhopal: Courting Disaster,” *CovertAction Quarterly*, No. 53, Summer 1985, p. 38.
3. Greenpeace International, “Former Union Carbide Site Still heavily contaminated 15 years on,” report, Nov. 29, 1999.
4. Rob Hager, CAQ No. 53.
5. “Arrest This Man: Accused Corporate Killer of Bhopal Found,” *CovertAction Quarterly*, n. 53, Spring 1995, p. 6.
- 6-7. Russell Mokhiber, “India makes formal request to extradite Union Carbide's former chairman,” *Corporate Crime Reporter* (Washington, D.C.), v. 17, n. 27, July 7, 2003. See also “Suchandana Gupta, “India seeks Carbide ex-chief's extradition,” *The Times of India*, Aug. 3, 2003. The formal extradition demand to Washington by India was on May 20, 2003. Also, Bhopal has finally made its way onto congressional radar. Presidential candidate Dennis Kucinich (D-Ohio) and India caucus member Frank Pallone (D-NJ) among others are pressing for new steps against UCC.
8. Luke David, “Night of the gas,” *New Internationalist*, Dec. 2002.
9. According to Dow spokesperson John Musser, “The whole issue was settled more than a decade ago. There is no remaining liability for either Union Carbide or Dow.” Abid Aslam. *Op. cit.*
10. “Suit against Union Carbide dismissed,” *India Business Insight*, March 25, 2003.

Louis Wolf is a Co-founder and the Director of Research of CovertAction Quarterly.

Back Issues

Number 1 (1978) Philip Agee on CIA; Cuban exile trial; "Consumer research" in Jamaica.

Number 2 (1978) CIA recruits diplomats; Researching CIA officers; Cuban double agent in CIA; CIA North Carolina demolit. training base.

Number 3 (1979) CIA attacks CAIB; Top Secret Army spy manual; CAIB CIA poster; CIA in Mexico; Australia US spy satellite base; John Paisley mystery death.

Number 4 (1979) Spying on allies: Secret Italy cable; CIA in Spain; CIA Africa recruiting; Angola; Subversive academics in Southern Africa; CIA and human rights; CIA firearms authority; Intelligence budgets; In Search of Enemies.

Number 5 (1979) U.S. intelligence in SE Asia; Chinese diverted Soviet weapons from Vietnam; CIA in Denmark & Sweden; Grenada; AIFLD; CIA officer and JFK assassination evidence theft.

Number 6 (1979) Caribbean; Cuban exile terrorists; CIA Nicaragua plans; CIA's secret "Perspectives for Intelligence"; U.S. helps South Africa surveillance; CIA uses cockroaches.

Number 7 (1979-80) CIA and media: Destabilization in Jamaica; Robert Moss; CIA propaganda budget; UNITA - Savimbi in U.S., his secret letters; Iran; CIA uses pigeons.

Number 8 (1980) CIA vs. Philip Agee; Naming Names legislation - CAIB statement before Congress; Zimbabwe; Northern Ireland; CIA Florida recruiting; CIA assassinations.

Number 9 (1980) Intel. Tech: NSA in Norway; Glomar Explorer; Mind control; NSA; Jamaica; Hmong in Guyana; South Africa forgery; Canada bombing; CBW research; Intel. tech. politics.

Number 10 (1980) Caribbean: Jamaica, Guyana, Grenada; Antigua; Dominica; Cuban exiles; The Spike; CIA deep cover manual.

Number 11 (1980) Right-wing terror; S. Korea; KCIA; Portugal; Guyana; Caribbean; AFIO; NSA interview; CIA stamp; CIA assassinations.

Number 12 (1981) El Salvador; Guatemala; New Right/US intel.; Senate terrorism comm.; Wm. Casey; Mozambique; Norway; mail surveillance.

Number 13 (1981) Secret South Africa documents; Namibia; Mercenaries; Ku Klux Klan coup attempt; Globe Aero; Angola; Mozambique; BOSS; Central America; Max Hugel; Stanley Sporkin; Thomas Pauken; mail surveillance.

Number 14-15 (1981) Index to Numbers 1-12; Intelligence legislation; Extended Naming Names; Deep cover businessmen.

Number 16 (1982) Green Beret El Salvador torture; Argentine death squads; CIA media operations; Constantine Menges; Seychelles; Angola; Mozambique; Ku Klux Klan coup attempt; Nugan Hand; CIA germ warfare.

Number 17 (1982) CBW history; "Yellow rain"; Cuban dengue epidemic; Scott Barnes in Laos; Bangkok mystery death; Executive mercenaries; CIA and academia; CIA assassinations.

Number 18 (1983) CIA & religion; Nicaragua "Secret" war; Miskitos; Opus Dei; Guatemala; El Salvador; Institute of Linguistics; World Medical Relief; AID; CIA & BOSS; South African torture; Vietnam; Suriname; "Free Lebanon"; Court & NSA; Spying on Canada; Heritage Foundation.

Number 19 (1983) CIA and media history; "Plot" on Pope; Grenada airport; NSA spies on Canadian journalist; Georgie Anne Geyer; CIA legends.

Number 20 (1984) Grenada invasion; Nicaragua; Ft. Huachuca; Israel and South Korea in Central America; KAL Flight 007; CIA assassinations.

Number 21 (1984) Salvadoran election: NY Times/Time/Newsweek distortions; Nicaragua; Israel in Central America; Accuracy in Media; Rev. Moon; CIA occult research.

Number 22 (1984) Mercenaries; Terrorism; Soldier of Fortune; CAIB Special Forces investigation; Privatizing Nicaragua war; CIA terror manual; Secret GAO DoD/CIA Honduras report; US-South African terror; Stefano Delle Chiaie.

Number 23 (1985) Pope Plot/Bulg. Connection; Claire Sterling; CIA, Turk. & Ital. neofascists.

Number 24 (1985) State repression; Infiltrators and provocateurs; Sanctuary movement; American Indian Movement; Leonard Peltier; NASSCO strike; Arnaud de Borchgrave and Rev. Moon; Robert Moss; Tetra Tech.

Number 25 (1986) U.S., Nazis, Vatican; Klaus Barbie's Bolivian coup; Nazi doctors in U.S.; Brazil torture; Knights of Malta; Greek civil war/Eleni; WACL supplies contras.

Number 26 (1986) US terror; Vernon Walters; Libya bombing; Contra agents; Israel & South Africa; Jon. Pollard; CIA & Costa Rica; Duarte; Nicaragua; Greece; Index to Nos. 13-25.

Number 27 (1987) Religious Right: Nuclear war theology; Christian underground; Fatima; Religious Right and Blacks; NY Times/Pope plot; Samora Machel; Carlucci; Southern Air Transport; Iran-Contra documents; Michael Ledeen.

Number 28 (1987) CIA, drugs, secret wars: S.E. Asia, Afghanistan, Central America, Nagan Hand; MKULTRA/Canada; Delta Force; AIDS and CBW.

Number 29 (1988) Pacific: Philippines, Fiji, New Zealand, Belau, Kanaky, Vanuatu, Maori in Hawaii; atom testing; media on Nicaragua; Reader's Digest; CIA in Cuba; Tibet; FBI-CIA surveils Gorbachev; Philip Agee on Veil; AIDS.

Number 30 (1988) Middle East: Intifada, Israeli arms sales, chemical & nuclear warfare, Israel in Africa & Central America; Disinformation & Libya; CIA's William Buckley; Afghan contra lobby.

Number 31 (1989) Domestic surveillance: FBI, CIA on campus; Office of Public Diplomacy; Geronimo Pratt; Lexington prison; Puerto Rico; Intl. Freedom Foundation; Disinformation.

Number 32 (1989) Tenth Anniversary Issue: Best of CAIB. 27 condensed articles: Naming Names; CIA and NSA at home, abroad, in the media; Philip Agee.

Number 33 (1990) Bush Issue: CIA Bush agents, secret team; Terrorism Task Force; Reagan's CIA; Skull and Bones; NED in Nicaragua; El Salvador election; Chile; Cuba; Republicans and Nazis; Rise of national security state.

Number 34 (1990) Panama invasion; Noriega-CIA; South African death squads; FBI-CIA and Martin Luther King, Jr. assassination; NED in Nicaragua; U.S. and Pol Pot; Philippines; Operation CHAOS; Taiwan's agents; Council for National Policy.

Number 35 (1990) Changes in Eastern Europe; Reinhard Gehlen; Destabilization of USSR; NED in Lithuania; Balkan nationalists; Free Congress Foundation; Cuba; Iran-Contra; 1965 Indonesia massacres; CIA banking.

Number 36 (1991) Racism and national security; FBI vs. Arab-Americans and Black officials; Chad, Uganda, South Africa, Angola, Mozambique, Zaire, Haiti; Panama; Gulf War; COINTELPRO "art"; National security humor.

Number 37 (1991) Gulf War: Media; CIA Iraq broadcasting; U.S. trading with enemy; UN; Nuclear war evangelicals; Domestic costs; North Korea next?; Libya; Iran; Illegal arms deals; Georgie Anne Geyer; Journalists and CIA.

Number 38 (1991) DoD-CIA foreign/U.S. student recruitment; Rochester Institute of Technology; Harvard; Militarism in academia resources; Judi

Bari; Arif Durrani; Rev. Moon and academia; Targeting environmentalists; CIABase review.

Number 39 (1991-92) "Good" agencies: NED; Peace Corps; USAID/AIDS; USIA; National Cancer Institute/biowarfare; World Bank; Population control; Danny Casolaro; FBI & Supreme Court; Robert Gates; USSR destabilization; BCCI.

Number 40 (1992) Native American struggle history; Toxic dumps; Leonard Peltier; Hollywood's racism; Guatemala; Rigoberta Menchu interview; Pol Pot returns; East Timor massacre; U.S. in Pacific, GATT; David Duke in India.

Number 41 (1992) Next enemies; LA Uprising; Nuclear threats; Bush and CIA; Bush family preys together; UN: U.S. Tool; Eqbal Ahmad; Nuclear proliferation; Environmentalist attacked; Dissent as subversion.

Number 42 (1992) Phil Agee on CIA; Peru; Fluoride; VP Bush & CIA; Nicaragua; Special Ops.; Drug war; CIA vs. Hen. Gonzalez; Bush inaugural speech leak; Moon buys university.

Number 43 (1992-93) Chemical and biological warfare: Zimbabwe, South Africa, anthrax; Gulf War Syndrome; Agent Orange; Scientific racism; "Yellow Rain"/Wall Street Journal; Yugoslavia destabilization; Religious Right; Somalia.

Number 44 (1993) Public Relations: Hill & Knowlton, Burson-Marsteller; Clinton Cabinet; Somalia; Rjo Summit; BCCI-CIA; Clinton National Security Act; Religious Right's anti-gay plans.

Number 45 (1993) South African Right global links; Chris Hani assassination; German Neo-Nazis; HIV Haitians; Russia; ADL spying list; Pelican Bay prison; Ireland's youth; Police vs. black youth; Angola profiteers; Benjamin Chavis.

Number 46 (1993) Economic intelligence; CIA's assassination record; Israel and the bomb; NSA Clipper Chip; School of Americas; Ex-adviser on El Salvador; Private prisons; Delta death row; Savannah River; France's Groupe Bull; CIA banking.

Number 47 (1993-94) FBI vs. Judi Bari; Russian coup; Rocky Flats; NAFTA; Howard Zinn on FBI; Dave Dellinger on 90s; Cold War quiz; Allen Ginsberg on CIA; Mumia Abu-Jamal; World Bank/IMF; Evergreen Air.

Number 48 (1994) Chiapas uprising; CIA and NAFTA; Haiti; Iran-Contra Report; L.A.-8; Mercenaries in Azerbaijan; Council for National Policy; Guatemala and drugs; Reader survey.

Number 49 (1994) Montesinos and Fujimori; Sudan; Operation Gladio; Human atom testing; Armenia and Azerbaijan; South Africa's left; El Salvador death squads.

Number 50 (1994) Operation Condor; Clinton crime bill; Liberty lobby; Monfort meatpackers; Low intensity Democracy; NRO & intel. budget.

Number 51 (1994-95) U.S. in Haiti; Canadian intelligence abets Neo-Nazis; Brookhaven and cancer; Bulgaria; Population; Women's asylum rights; CIA budget; Paramilitary vacations; Bud McFarlane.

Number 52 (1995) Rwanda; Proposition 187; Militia movement; Neo-Nazis and anti-abortion; Groom Lake; Wall Street vs. Mexico; Human radiation; Corporations fund research; NSA in cyberspace; Far Right/spies internet resources; Union Carbide's Warren Anderson.

Number 53 (1995) Gulf War Syndrome; Militias and the military; Frank Donner; Arab bashing; Hiroshima: Cold War bomb; Iraqi embargo; Guatemala; Bhopal; Secret FISA court; Antiterrorism Act; Fourth Amendment mugged.

Number 54 (1995) Noam Chomsky on corporate propaganda; Bosnia; Kurdistan; Sasakawa obit; NAFTA layoffs; Prison labor; AFL-CIO in Russia; Private security guards; Walter Reuther.

Number 55 (1996) Police vs. citizen review; Corporate assault on FDA; PR industry vs. activists; Colin Powell; UN at 50/Fidel Castro; Economic intelligence; Spain's dirty war; East Timor - Britain Arms Indonesia; Bosnia.

Number 56 (1996) Noam Chomsky; High-tech surveillance; Militarizing the border; Pepper gas; Guyana; Yugoslavia; Russian nationalism; U.S. and Korea; La Belle bombing.

Number 57 (1996) Racism in the ranks; White collar crime; Common Law courts; INS detention centers; Buying Russian elections; Noam Chomsky on Haiti; U.S.-Israel; Anonymous remailers; Nuclear proliferation in space.

Number 58 (1996) Pilger on Burma; Estrogen & endocrine; Crime & capital globalization; "Counter-Terrorism" documents; Church burnings; AID & environment; Brookhaven; AIDS.

Number 59 (1996-97) Surveillance: ECHELON; NSA's business plan; NIMA; Spooks in the internet; Canadian spies; Privatizing welfare; Mexico and SOA; Afghanistan; CIA and drugs.

Number 60 (1997) Cassini plutonium missing; Japan and Peru; MRTA; Prison labor; Unionbusting; Universities and business; Colombia; Sudan; FBI-CIA teamwork.

Number 61 (1997) Turkey's state killers; Privatizing Hanford; Spying on activists; U.S. torture manuals; Arming Mexico's drug war; NSA,

Russia and Dudayev; NATO moves East; Spooks in Congress.

Number 62 (1997) U.S. and Pol Pot; Paramilitary policing; Selling SWAT; Mercenary armies and minerals; Mad Cow disease; Free radio; Che and the CIA; Vaclav Havel.

Number 63 (1997) Right-wing think tanks; South African torture; chemical-biological warfare; NSA's Crypto AG; Promise Keepers.

Number 64 (1998) Vietnam; Iraq sanctions; Political control technology; Jihad; Pinochet; Drug war fungus; Burma-Singapore heroin trade.

Number 65 (1998) Philip Agee, Ramsey Clark; Mumia Abu-Jamal; Serb demonization; Bosnia TV disinformation; Media evasions; NGOs in Latin America; Russian reform; War on Cuba; Assata Shakur; Ron Ridenhour; CIA vs. Daniel Tsang; CIA mistaken identities

Number 66 (1998-99) Pinochet; Palestinian Authority; Tomahawks; Sudan; Pentagon bucks; PanAm 103; Laurent Kabila interview; Algeria; Richard Holbrooke; NATO; Izetbegovitch; FBI's D.C. "espionage" trial.

Number 67 (1999) Mumia Abu-Jamal; NATO bombing and "Greater Albania"; Humanitarian intervention in Kosovo; Roma people; William Walker; Richard Holbrooke; Ocalan; Police militarization; Tupac Shakur; CIA and labor; CIA drug smuggling; Leonard Peltier.

Number 68 (1999) East Timor; Colombia; Panama; Cuba vs. U.S.; Serbia; NATO in Kosovo; KLA and drugs; MPRI; Urban Warrior; Homeland defense; Poverty globalization.

Number 69 (2000) Congo; Chechnya; Colombia; Ecuador; Iraqi oil; Depleted uranium; Yugoslavia; India; Cyprus; Bosnia-Herzegovina; Seattle/WTO; "Emergency management;" Hunger politics; Global water; Climate; Prison-industrial complex; Military civil disturbance planning; CIA and Cold War.

Number 70 (2001) Bush and environment; Mullah Aid; Dick Held; Non-lethal weapons; Summit of the Americas; Israeli Nukes; Kissinger; Star Wars; Yugoslavia; Antonin Scalia; Bush and Blair; Rep. Rob Simmons; 10 Worst Corporations; Statement by Leonard Peltier.

Number 71 (2001) Depleted uranium; Political Islam; Plan Puebla-Panama; USA Patriot Act; War Criminals; Israel and Hamas; Palestinian right of return; Domestic Anthrax; Plan Colombia; CIA visa machine; DoD vs. environment.

Number 72 (2002) Police violence; ISI, CIA & Taliban; Palestine; Venezuela plotting & coup; Earl Silbert & Enron; U.S. Designs on Iraq; Argentina bankrupted; Attack on Indian Parliament; Global rollback; Elie Hobeika.

Number 73 (2002) Torture; Jenin and Amnesty International; Academia & CIA; Pakistan; 50 Years of Coups-Iran to Venezuela; Plutonium in Space; U'wa vs. Occidental; Why Nato?

Number 74 (2002) Jenin and Human Rights Watch; George Soros stage-managing imperialism; Religious fascists and the CIA in Bosnia; End of Posse Comitatus; Brown & Root; James Petras on Argentina; Rwanda injustice; Rewing up Bush's war machine; Smashing the Kurds.

Subscription, Books & Back Issue Order Form

PLEASE INDICATE:

☐ New Sub. ☐ Renewal ☐ Gift Sub.

Name/address/phone of Gift Recipient:

BOOKS:

☐ \$20 *Rogue State* (2001) by William Blum (signed)
☐ \$25 *Killing Hope* (2001) by William Blum (signed)

Please add \$10 for shipping outside U.S./Mexico.

CREDIT CARD ORDERS, PLEASE SPECIFY:

☐ VISA ☐ MASTERCARD

No.: _____ Exp: _____

Name on card: _____

Signature: _____

Card Billing Address: _____

Tel: _____ email: _____

My total order is: \$

I am adding a tax-deductible contribution of: \$ _____
(Payable to: Alliance for Global Justice)

Place order by fax, phone, mail or email. (See below).

SUBSCRIPTIONS:

(4 issues/year) U.S. currency only, please.

U.S., Mexico: ☐ \$22 (four) ☐ \$41 (eight)

Canada: ☐ \$30 (four) ☐ \$55 (eight)

All Other: ☐ \$35 (four) ☐ \$65 (eight)

Prisoners: ☐ \$17 (four) ☐ \$29 (eight)

Institutions, public and private, add \$20.

BACK ISSUES: All back issues available. Some older issues as good quality photocopy only.

☐ \$325 Complete Set; plus shipping:

(\$25 U.S. & Mexico, \$40 Canada, \$80 All Other)

☐ \$135 For 25 issues (+\$20 shipping outside U.S.)

☐ \$55 For 10 issues (+\$15 shipping outside U.S.)

☐ \$30 For five issues (+\$10 shipping outside U.S.)

☐ \$6 For one issue (+\$2 shipping outside U.S.)

Specify requested issue numbers below:

Covert Action Publications, 1500 Massachusetts Ave. NW, Suite 732, Washington, D.C., 20005
Phone: 202 331 9763; Fax: 202 331 9751; email: info@covertactionquarterly.org

"The *CovertAction Quarterly*, is a must read for people who want to really know about the national security state. In it you will find stuff that you won't find in the *regular*, that is the white supremacist corporate media. You will read about COINTELPRO, you will read about the sons and indeed the daughters of COINTELPRO. You will read about the international dimensions of the National Security State. You will read about everything that doesn't *fit* and won't get into the *New York Times*."

Mumia Abu-Jamal - Author, journalist, radio commentator,
"Dispatches from Death Row"

"In these unbelievably covert times and practices employed upon us by the bully Bush, it is imperative that we the public have resources and material to alert us, to inform us, and to prepare us for the onslaughts of a government which has no belief in civil liberties. The publication will hopefully be futuristic as well, as we know, accurate in alerting us to coming assaults on those liberties and on sovereign territories of other peoples."

Ed Asner - Actor and activist

"From its beginning in 1978, investigative reporting has been the magazine's forte. Journalists who probed in places the *New York Times* never looked, who examined the small print of the institutions of the National Security State, the Corporate State, and the Police State, have had an outlet to present their findings. We're all the wiser for it."

William Blum - Investigative journalist, author, *Killing Hope* and *Rogue State*.

CovertAction Quarterly

1500 Massachusetts Avenue N.W., Suite 732, Washington, DC 20005

Tel. 202 331 9763

Fax 202 331 9751

Email info@covertactionquarterly.org

"CovertAction Quarterly is the antidote for the Overt Distraction of America's media. It is the thinking person's answer to Fox News in the information henhouse. How interesting that after 25 years, we still need to turn to this truthsayers' journal. How lucky we are it is still there for us."

Greg Palast - Investigative reporter, author of the *New York Times* bestseller, *The Best Democracy Money Can Buy*

"The CovertAction Quarterly has brought us news, hot facts and cold truths for 25 years.

In other words it has performed a service that goes back to the early days of the republic in which democratic "printers" published information and discerning analysis, which those inoculated by comfortable nostrums and self-deceptions have not wanted to read or think about.

The staff, writers and editors are to be congratulated personally for their ongoing work, their will and their wisdom through dark times."

Marcus Raskin - Co-founder, Institute for Policy Studies

"Publications like CovertAction Quarterly have provided the authentic truth that has laid bare the falsehood and cynicism of 'CIA truth' and freed so many of us from the oppressive web of official lies."

The Rev. William Wipfler - Former human rights director, National Council of Churches

"CovertAction Quarterly, in the best tradition of investigative journalism, has been a consistent source of important information unavailable in the mainstream press. Its work is especially needed today, in this time of dangerous government secrecy and media complicity. Democracy requires an informed public, and *CovertAction Quarterly* contributes powerfully to a democratic society."

Howard Zinn - Historian, author, *People's History of the United States*