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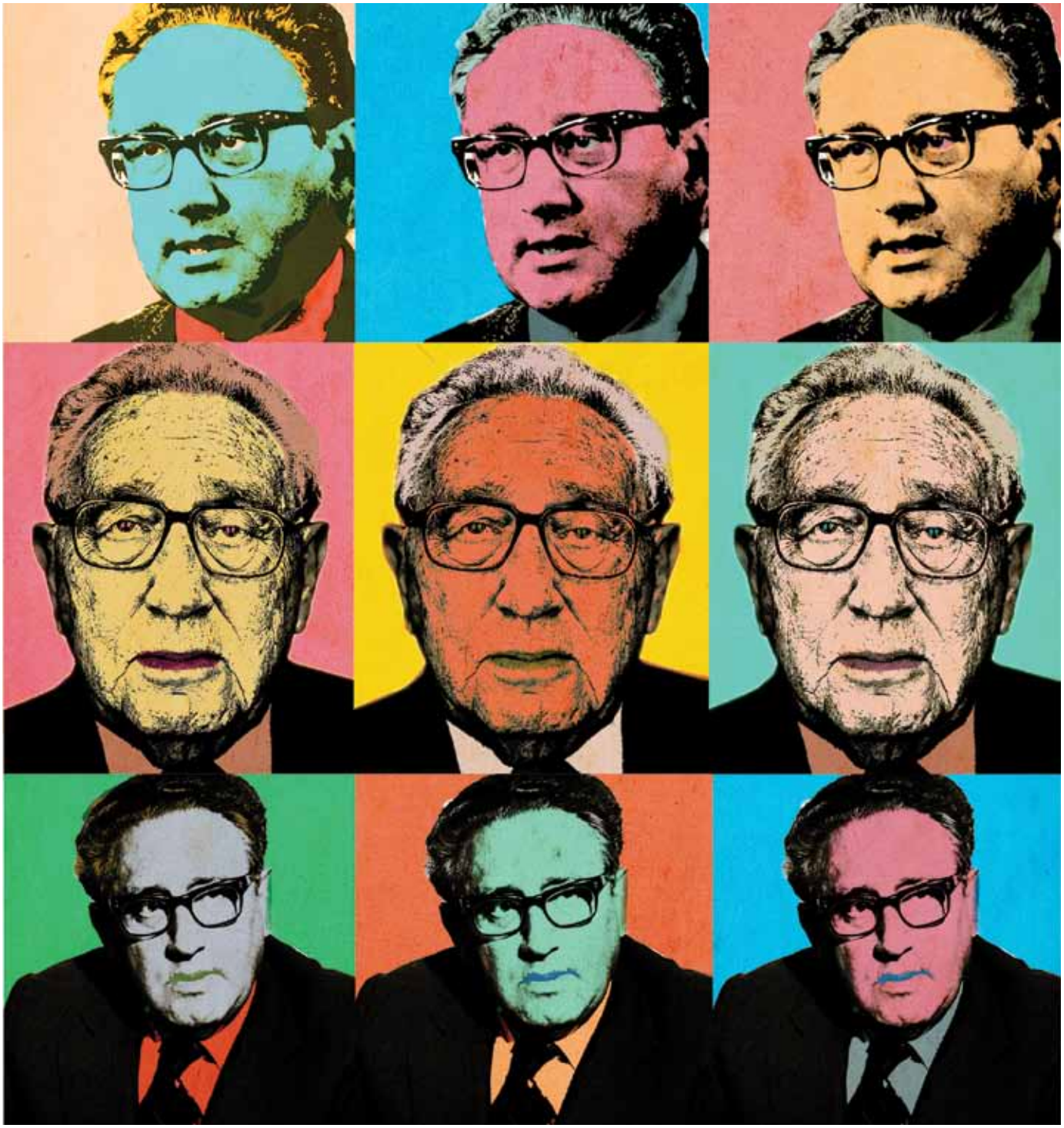

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LETTERS TO THE EDITOR

From Reagan's former economic point man...

I liked Mike Whitney piece [on housing] CounterPunch—you're right its all about speculation and more speculation. One subtheme where the mainstream media is way off base is the notion that housing is recovering because "investors" are flooding in, giving the housing market a big thumbs up. My point in the attached was that Wall Street based hedge funds and LBO funds are not natural owners of dispersed single family homes in suburbia—complete with gardens, lawns, crabgrass and insect-invested trees! They would have been in Scottsdale decades ago if there were real economies of scale and competitive advantage in institutional ownership of single family homes: they did not ride into Scottsdale on the back of a John Deere lawnmower fixed to become long-term landlords: more like the came in on a financial Hoover looking to suck up the distressed inventory and goose the price in selective zip codes.

David A. Stockman

Tutored by Cockburn

It made me so sad to hear of Alexander Cockburn's passing. I never met Mr Cockburn but I feel like him and Chomsky taught me how to think. It must have been '02 or '03 when I was 22 or so I started taking the nation and discovered Beat the Devil columns and from there CounterPunch. If memory serves , I think it was 2004 when Paul Sweezy died and AC wrote a column called "Understanding the Work with Paul Sweezy". Cockburn said in it something like "You always felt like you were getting to the root of the matter with Paul." I always felt that way about Mr. Cockburn.

He showed me being a radical wasn't something to be in the closet about, but part of a long, proud tradition. Also quite a bit of fun! I remember around 2004 when some liberal group casued a bit of a flap by comparing Bush to Hitler and Cockburn said something like "that's like comparing Pee Wee Herman to the Marquee de Sade".

Neil Harris
Illinois

A Writer With Integrity

Please thank Michael Yates for a very moving piece on Vietnam, coming from someone who still has the correct perspective and anger on this war and never let it go. I don't know how old Mr. Yates is, but he has integrity.

Oliver Stone
Los Angeles, California

Why We Lose

Wanna know why we lose wars at increasing costs? Consider the recent news that the Pentagon's censors have decided that nearly half of more than 400 passages deleted from an Afghan war memoir can now be printed without damaging national security. This might seem hilarious but it is really an outward symptom of the much deeper strategic problem posed by the compartmented nature of this self-inflicted wound. Think about the mentality that fuels a predilection to burn books that reveal harmless chickenshit details—like, for example, the widely used nickname for National Security Agency and the real name of Baghram Air Force base, a name that became well known to the entire world during the Soviet Union's aborted occupation, or the reclassification of an unclassified citation for a bronze star medal. Is this the behaviour of decision making system that is tightly connected to its own environment and is trying to improve its performance by learning from experience? To ask this question is to answer it. Of course, understanding how we disconnected our own decisions from reality in hot wars does not matter: The epistemological essence of a mindset ruled by the secret compartments of the military-technical revolution is that *the future will be different from the past*. We are leaving the hot war in Afghanistan and an intensification of the secrecy system will be necessary to extract ever larger amounts of taxpayer dollars to fund the super-secret deep strike 'precision' weapons which lie at the heart of the Obama's strategic pivot to a new cold war focused on China.

Chuck Spinney
Washington, DC

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ROAMING CHARGES

Agency of Fear

By Jeffrey St. Clair

It's nearing dusk on November 26, 2010. More than 25,000 people have gathered in a light rain at Pioneer Square in downtown Portland, Oregon to watch the lighting of the holiday tree, a 100-foot-tall Douglas-fir logged from the Willamette National Forest.

Three men in a nearby hotel room have just finished eating a take out pizza. The men spread towels on the floor and say an Islamic prayer, asking that Allah bless their operation. The men pat each other on the back, leave the room and walk to their vehicle, a white van.

One of the men is a teenager named Mohamed Mohamud. The other two men are older. One is called Youssef. The leader of the group is a man in his fifties known only as Hussein. Hussein is a bomb-maker for al-Qaeda. He's been making explosives for three decades. Their operation to set off a massive bomb in the heart of Portland has been in the works for more than three months.

Hussein unlocks the doors to the van and takes the driver's seat. The young Mohamed, who is wearing a hard-hat, slides into the passenger seat. In the cargo hold of the van sit six 55-gallon blue drums filled with nearly 2,000 pounds of fertilizer-based explosives. Each drum has an explosive cap. They are linked together by a detonation cord, which runs up to a toggle switch.

As Hussein pulls the van, which reeks of diesel fuel, out into traffic, the bomb-maker begins to chant loudly in Arabic. Hussein parks the van on Yamhill Street, directly across from Pioneer Square. He orders Mohamed to flip the toggle switch, arming the bombs.

The two men get out of the van and scurry down Broadway Street and then up to 10th avenue, where Youssef is waiting for them in an SUV. They drive to the Portland train station, drop Youssef off, and then park in a lot a few blocks away.

Hussein mutters "Allahu Akbar." Then turns to his teenage sidekick and asks, "You ready?" Mohamed nods his head. The bomb-maker hands Mohamed a cell phone. The phone is meant to activate the bomb. He reads out a number. Mohammed nervously enters the digits on the phone. There is no explosion.

Hussein suggests that the signal may be poor and that they should step out of the van. The two men get out of the van and Mohamed re-enters the numbers. The phone rings. Suddenly dozens of voices shatter the tense scene, screaming "FBI! FBI!" The two men are ordered to the ground. The federal agents have arrived, it seems, just in the nick of time. Their felicitous intervention has disrupted a sophisticated terrorist operation and saved thousands of innocent lives. The bomb plotters had been caught and trundled off to jail: another triumphant day in the battle to protect the homeland from al-Qaeda's terror cells.

But wait a minute. Almost nothing about this scenario was true. The cell phone wasn't connected to the toggle switch. The detonation cords weren't wired to explosive caps. The blue drums weren't filled with diesel-saturated fertilizer, but harmless grass seed. Mohamed wasn't a member of al Qaeda. Of Somali origin, he was a troubled college dropout from Beaverton, Oregon, home of Nike and Intel. Youssef wasn't a member of al Qaeda. Hussein was not one of al Qaeda's top bomb makers. Youssef and Hussein were not really arrested and neither was charged with being part of a terrorist plot. Youssef and Hussein were both federal agents.

The bomb plot itself was not an al Qaeda idea. It was hatched by the FBI. Young Mohamed Mohamud did not seek out the bomb plotters; they found him and seduced the young man into joining their conspiracy. The teenager did not build the bomb. The fake explosive was actually constructed by John Hallock, who later testified that he designed the device for "maximum effect." He did not select the target. The order to activate the device came from a federal agent. The order to detonate the bomb also came from a federal agent. From conception to execution, the infamous Portland Christmas Tree Bomb Plot was scripted by the FBI.

Yet it was Mohamed Mohamud who was arrested, slapped with federal terrorism and conspiracy changes, subjected to a bruising trial in January and convicted on all counts by a jury that deliberated less than six hours.

After the verdict was read, the gleeful FBI agents and federal prosecutors hailed their victorious sting operation, braying that they had rid the streets of a maniacal jihadist. But this was not a government sting. It was a textbook case of entrapment, where federal agents recruited a disaffected kid into a fake bomb plot that they had concocted. Mohamed Mohamud was not a terrorist when the FBI began spying on him while he was still in high school. In the two years he was under FBI surveillance, he did not commit a single terrorist act or join a terrorist group. It took the FBI to recruit him into a terrorist cell, indoctrinate him into terrorist ideology and lure him into participating in its bomb plot.

Our government increasingly fantasizes about blowing things up here at home. This is the sixth case where the FBI has invented a bomb plot aimed at snagging hapless, often alienated, individuals who were not terrorists until they were enticed into joining the agency's own conspiracy.

What is the point of these operations? To scoop up a handful of estranged, young Muslim men? To make suburban Americans feel safer? Hardly. The point is fear. The government needs to keep the public in a state of anxiety in order to justify its own ever-encroaching powers.

So, Mohamed sits in prison. The Constitution lies in tatters. Fear rules the land. **CP**

GRASPING AT STRAWS

Worse Than Geithner

By Mike Whitney

It would be hard to imagine a worse candidate for Treasury Secretary than Jacob "Jack" Lew. Lew not only has strong ties to Wall Street, due to his time at Citigroup, but is also a union busting, anti-regulation, austerity nut. Any one of these things should have knocked him out of the running, but that's not how things work in Obamaland. President Obama prizes continuity above all, which is why Lewis a"lock" for Treasury, because he will neverveer one centimeter from the bank-friendly, belt-tightening, anti-worker course set by his wily predecessor, Timothy Geithner.

Even so, Lew comes with a lot of baggage. Going back to 1973 when Lew first came to Washington to work for former House Speaker Tip O' Neill, the eager Georgetown Law grad served as "liaison to the Greenspan Commission". This is where he learned the ropes from the Maestro himself, that is, how to ding working people with higher (payroll) taxes while cutting their benefits at the same time. (The retirement age was raised to 67.)

Greenspan's "reforms" were a complete hoax, and the revenues that were generated from the changes were not used to shore up Social Security, but dumped into the General Fund to narrow the humongous budget deficits generated by the Gipper's tax cuts for the rich.

To say that the young Lew "learned from the best" is grossly understating the case. He literally studied at the feet of the Master.

Lew's time on Wall Street is also worth reviewing. At Citigroup Lew raked in $1 million-plus salary overseeing the bank's Alternative Investments unit, which made money off the housing meltdown.

Of course, there's never been a thorough investigation of the dodgy transactions that took place during that time, so it's impossible to know whether Lew was directly involved in any less-than-honest dealings with investors or not. Let's just say that there's a lot that doesn't pass the smell test.

Obviously Obama doesn't care about appearances or a Wall Street strip-miner like Lew—who made his bones placing bearish bets on subprime mortgages—never would have made the cut.

But that's not how things work in Washington. The president can select a candidate from a bank that received a $45 billion handout from the US taxpayers (via TARP), and no one bats an eye. In fact, that's what people have come to expect.

Lew is also a union buster, which is another blotch on his resume that Obama must have noticed. In 2004, Lew became the chief operating officer and executive vice president at NYU. This is where he encountered a graduate students union that had been formed in order to negotiate better terms and conditions for their heavy workload.

According to an article in *Salon:* "Graduate student workers do an increasing share of the teaching and research work of major universities, and they receive stipends for it."

Naturally, the grad students wanted to be fairly compensated for the work they were doing, which is why NYU wanted to strip them of their collective bargaining rights. And that's exactly what they did.

Some readers will see the similarity between Lew's behavior and that of our anti-worker president who breezily flew over Wisconsin during the 2012 campaignrather than stopand show his support for pro-labor candidate, Milwaukee mayor Tom Barrett. At the time, Barrett was locked in a historic battle with Governor Scott Walker over collective bargaining rights for public workers.

Obama's actions made it clear that, on the most basic level, he opposes workers rights. This is another reason why Lew should fit perfectly at Treasury, he and Obama are "birds of a feather".

What's really endeared Lew to the Obama claque is his eagerness to implement austerity measures. Lew is a true believer, and he's going to be Obama's point man in what one critic called "the first steps in the dismantling of the modern social-welfare state."

Presently, the administration is strategically positioning its forces to use the ongoing budget standoff to nail down a "Grand Bargain" that exchanges minuscule tax increases for adjustments (re: cuts) to Social Security, Medicare and Medicaid.

Lew figures to play a prominent role in the skirmishes ahead slashing away at funding for these programs in order to keep Obama's promise to reduce the deficit by $4.4 trillion in the next decade.

The ultimate goals of White House Democrats are no different from those of the GOP. It's all a matter of style. Both parties agree that the budget cuts will have to be severe.

In fact, Obama does not dispute the magnitude of the sacrifice—which will hurt every working man and woman in the country—he merely wants to shift responsibility for the cuts onto the Republicans while claiming that he was "forced to make the tough choices needed to ensure the solvency of the programs."

What rubbish. Obama is just searching for a way to escape blame. It's all public relations.

The administration is looking for someone at Treasury who will let them execute their budget-slashing plan without grabbing headlines or bungling the politics.

That's where Lew comes in. The bookish, soft-spoken bureaucrat will keep a low profile while relentlessly-hacking away at the safety net, which is what Obama really wants. **CP**

DESERT POST

Above the Law

By Christopher Ketcham

I had dinner recently with a Brooklyn man named Derrick Hamilton, who was 13 months free from New York State prison after serving 21 years for a murder he didn't commit. Hamilton was remarkably cheerful during the meal. Perhaps this was because we were discussing the real criminals in his case.

In January 1991, Hamilton was said to have shot and killed a man named Nathaniel Cash in the vestibule of a Bed-Stuy apartment building during an argument over money.

Eleven weeks after the murder, following an investigation by Brooklyn North detectives and assistant prosecutors under Brooklyn District Attorney Charles "Joe" Hynes, Hamilton was arrested in New Haven, Conn., at a beauty salon he owned there. He told police he had been in New Haven at the time of the murder, that he had no knowledge of the crime, and that he had alibi witnesses. Nonetheless, in July 1992, on the evidence provided by a sole eyewitness, he was convicted on a charge of second-degree murder and sentenced to 25 years to life.

At dinner, Hamilton suggested that his case be used to indict the district attorney, Joe Hynes, on charges of being "the biggest crook of all." Prosecutors under Hynes had deceived the court about Hamilton. According to Hamilton, they doctored a forensics report implicating him. They coerced the sole eyewitness to lie in her testimony naming him as the shooter. They withheld key exculpatory evidence, including the statements of multiple alibi witnesses who attested to Hamilton having been in New Haven at the time of the shooting. "The DA framed me. He's a criminal. Prosecutors get to do what they want, and not one of them pays the price. I paid the price."

This kind of behavior is routine in nature, epidemic in scope, tragic in its consequences, with prosecutorial power in America now an active threat to the safety and security of the public. Prosecutors at both the state and federal level are free to deceive judge, jury and defendant. They can hide and fabricate evidence, lie and distort, engage in cover-ups, pay for perjury, threaten witnesses. In other words, they can frame the innocent at will. Among the results of this hard work is that the United States now boasts the largest prison population in the world.

Bennett Gershman, a law professor at Pace University and author of Prosecutorial Misconduct, tells me there is no functional apparatus in the US to delimit the power of the prosecutor. "Because of this," Gershman tells me, "a prosecutor has more control over life, liberty, and reputation than any other government or private person in America. His discretion is virtually absolute. He has all the freedom of the tyrant." Trial judges play along or look away, while appellate judges have long been reluctant to identify prosecutors accused of misconduct. This is considered a "professional courtesy," says Gershman. "The lack of safeguards is one of the most shameful examples of cowardice and inaction by the supposed protectors of the ethics of the profession."

Since 1963, only one prosecutor nationally in thousands of cases of misconduct has been disbarred. Not one has been prosecuted criminally. Immunity implies that prosecutors accused of misconduct are not only not punished, but can use the victories they rack up to make a name for themselves.

Case in point: When he was a top prosecutor in the U.S. Eastern District of New York in the 1980s and early '90s, John Gleeson, now a federal judge, provided Sammy "the Bull" Gravano immunity on 19 murders so that Gravano would testify against mafia boss John Gotti; Gravano was key to taking down Gotti, which was a career victory for Gleeson.

But there was a 20th murder that Gravano had committed: He had killed a police officer. Gleeson, seeking conviction at all costs, covered up this 20th murder, as immunity cannot be granted to cop killers. When Gleeson later admitted he had covered up Gravano's murder of the officer, his punishment was that he was appointed to sit on the US Court of Appeals—a step toward the Supreme Court.

Naturally, the prosecutor who proves himself to be most mendacious, most dangerous, rises in the hierarchy. In the case where these predators are elected officials—and most state prosecutors are elected—there is a sane and practicable response.

One of the people at dinner with Hamilton was a Brooklyn political activist and recently reinstated lawyer named John Kennedy O'Hara, who was helping to organize the street operations in a campaign to unseat DA Joe Hynes during the 2013 elections. O'Hara, who in 1996 had himself been falsely indicted by Hynes, disbarred, and sentenced to 1,500 hours of community service, was working for a candidate named Abraham George, who was a former prosecutor in the Manhattan DA's office. George publicly excoriated Hynes for his abuses of power and vowed if elected to open a conviction review panel for cases like Hamilton's. (Hamilton was never exonerated; he was released only on parole.)

O'Hara had brought 250 posters—"Abe George for DA!"—that Hamilton, volunteering as a street-worker, would distribute throughout Bed-Stuy. The two men ogled the posters, and shook hands.

"The co-conspirators are coming together," said O'Hara. "All the people who got fucked by the DA. We're in a conspiracy to topple the most powerful man in Brooklyn."

"Hynes probably thinks that's a crime," said Hamilton. **CP**

EMPIRE BURLESQUE

The Whole Damn Camel

By Chris Floyd

"I saw ten thousand talkers whose tongues were all broken"—Bob Dylan

Surely the re-election of Barack Obama has, at long last, put the kibosh on the hoary notion that the "Professional Left" poses any kind of threat or counterbalance to the malignant spread of empire, within and without.

Slice the timeline any way you like –10 years, 20 years, 30 years—and you'll still come up with the same sad salami: a political world shifted so far to the right, so deep in the pockets of Daddy Warbucks, General Ripper and Elmer Gantry that even Boss Tweed might blush for shame. This is what the Prof-Left has to show for its decades of working diligently within the system.

Of course, America's hard-right turn (or reversion) to militarism abroad and Hobbesianism at home is not solely the result of the Left's egregious failures; far from it.

It's a brew made up of many poisons. And yes, failure can be honorable at times. But there is nothing honorable about what happened to "progressives" in Campaign 2012.

After years of consciousness-raising—unmasking atrocities, tracking corruption, decoding propaganda, speaking truth to power, etc.—where did the Prof-Left end up in November? Supporting a lawless, cynical, corporate-coddling warmonger who has taken the tropes of imperial sway to their logical conclusion, their final solution: the arbitrary, unchecked power of life and death, not only over the grubby *barbaroi* but even over his own subjects. As the saying goes, our professional progs didn't strain at a gnat; they swallowed the whole damn camel.

Nowhere was this betrayal of principle more naked than in the very arena we were told had "transformed" politics forever, shattering the old paradigms and giving unprecedented voice and power to reform and resistance: the progressive blogosphere.

Yet here the cognitive dissonance was so jarring it hurt just to look at it. (God knows what it must feel like *inside* those conflicted craniums.) Here you found stern denunciations of White House death squads, drone wars, whistleblower persecutions, corporate whoredom and other outrages standing cheek-to-cheek with gushing paeans to presidential cool, testy rebuttals of Tea Party attacks, minute nit-pickings over polls and soundbites, and sage tactical advice to ensure victory for … the same man they were simultaneously slating for murder and repression.

For all their "savvy" caveats and subtle nuance, their Chomskyean parsing of narrow moral choices in a brutal power system (Democrats, said one prominent progblogger, are "2% less evil," so one must support them), in the end, the netrooters were as avid as David Axelrod in their partisan plumping for more drones, deaths, deportations, drilling, drug warring and all the other *draconia* wielded happily by Obama in his first four years.

This is a "movement" that has finally collapsed beneath the weight of its own incoherence. You cannot denounce state crime while supporting its perpetrators.

Or rather, you *can*—but you will look like a fool. You will look like someone who has nothing to offer beyond a pallid, unprincipled tribal loyalty to a clapped-out party of bloodstained bagmen.

And all the "ordinary people" out there whose consciousnesses you are trying to raise will sense this hollow core, this estrangement from reality. They will know you have no answers for the suffering they endure in a heartless system, that you can provide no understanding of what the system is doing to them—because you are part of the system, you speak its language, you play its games, you support its crimes, you cheerlead for its criminals.

Why should they listen to you? And so the people you seek to help and enlighten turn away—to those whose certainties, however false, seem more coherent; or to ever-more frantic, frenetic diversions; or to a grim, ground-down, burnt-out acceptance of a system that seems inescapable, more like the natural order than a hell of our own making.

I certainly don't exempt myself from this critique. (Except maybe for that 2012 criminal-supporting thing.) For 35 years now, in print and on line, I've been doing the same kind of consciousness-raising and outrage-recording described above. (And I must confess that for much of that time, I too hewed to the "2 percent" line that induces moral blindness when the criminals ride donkeys, not elephants. The hardest consciousness to raise is always one's own.) But the 2012 election seems to me to represent a milestone of sorts, or a turning point or—hell, why not?—a new paradigm.

Decades of dissent—not just pallid progblogging or Beltway-liberal lobbying, but the real deal, down in the trenches, courageous, unsung, dedicated—has not slowed the imperial juggernaut, whose depredations are more brazen, more entrenched and more accepted, even celebrated, than ever. Something ain't working. The tongues are all broken. The message is not getting through.

So what now? At this point, all I know is that I don't know—which is, so they say, the beginning of wisdom. And that's what I want to do in my *CounterPunch* columns: begin again, re-think, see more, learn more, get away from the camel-swallowers and my own calcifications, and meet our new reality head-on. **CP**

The Strange Career of the Henry Kissinger Papers

by Christopher R. W. Dietrich

It was days before the bicentennial Christmas. The year had been a difficult one for the United States. The Watergate scandal and the fall of Saigon left a sour taste in the mouth of the body politic, flavoring public opinion against the government. A deep recession continued to stall the economy. The wealth and power that propped up the postwar generation seemed more tenuous than ever.

At the moment, though, Daniel Boorstin was elated. The eminent historian had moved from a directorship at the Smithsonian to that of the Library of Congress less than a year earlier. He now made his most important announcement yet. The National Security Adviser and Secretary of State for the previous eight years, Henry Alfred Kissinger, had agreed to donate his papers to the Library. Obtaining the Kissinger Papers was nothing less than a coup for the national Librarian. The collection of memos, documents, and telephone transcripts were "the most important collection of papers concerning American foreign policy that exist in this century," he told the press.

Boorstin and Kissinger had developed a friendly professional acquaintance in the previous half decade, after the historian gave Kissinger and a guest a private tour of the Smithsonian in 1971. The two sought each other out for meals in Geneva, Washington, and New York and exchanged friendly notes after Boorstin won the Pulitzer Prize and Kissinger was promoted to Secretary of State in 1973. After the bequest of the Kissinger Papers, they continued to socialize. The "whole Boorstin clan" even spent Christmas with Kissinger and his wife in 1979 and 1982 in their Washington, D.C. home.

Kissinger advises Nixon. Photo: National Archives.

The ease of social pleasantries did not translate into an unblemished professional relationship. Critics condemned the Secretary of State for sending his papers to the Library because the donation allowed access only to Kissinger and authorized individuals. Kissinger sought to preempt judgment on his career before even leaving office, his detractors said, using Boorstin as a shield. They filed suit under the Freedom of Information Act.

In the ensuing three decades, the former Secretary of State has exploited his unique access to the largest set of papers relating to his eight-year run as the nation's prime foreign policymaker. He has written long versions of his own history. The only scholars to have seen the papers, including official biographers Alistair Horne and Niall Ferguson, have received permission to do so from Kissinger. The manipulation of history did not seem to concern Boorstin, himself a consensus historian of the United States. "It didn't take much persuasion" to convince Kissinger to donate his papers, the Librarian joked at the time.

Kissinger, Boorstin, and the Freedom of Information Act

Kissinger announced last year that he would donate another set of papers to Yale University. He also made a personal financial contribution to Yale for an undisclosed amount, earmarked to digitize the papers held at the Library of Congress. Thus began another chapter in the strange career of the Kissinger Papers.

Oddly enough, it seemed that Kissinger might embrace transparency at the beginning of his stretch in officialdom, rather than near the end of his life. Then and now, the Freedom of Information Act governed citizen access to official decisions. Congress passed the Act two years before Kissinger became National Security Adviser, based on a broad democratic philosophy. Because governmental decisions belong to the public, citizens could claim access to them as a right. The supporters of the Act celebrated the victory. They maintained a high-minded dual purpose—to allow the electorate to remain informed of government operations and discourage the inevitable tendency of politicians and bureaucrats to hide their own mistakes. As American involvement in Vietnam escalated, the right of citizen knowledge was central to the democratic process. The Act would strip away the secrecy that surrounded the law-making process, its proponents said.

The new transparency law applied equally to domestic and foreign policy. From January 1969, when Kissinger entered the White House, to January 1977, when he left the State Department, stenographers monitored all of his telephone calls and conversations, taking shorthand notes and transcribing them. They left an unparalleled record of diplomacy.

The larger-than-life diplomacy of "Super-K" became the stuff of legend. Whether supportive or suspicious, observers agreed that his terms as National Security Adviser and Secretary of State had changed the course of the relationship between the United States and the rest of the world. The conversations of the architect of superpower détente, the opening to China, and Shuttle Diplomacy with the likes of Gamal Abdel Nasser, Golda Meier, Anatoly Dobrynin, and Zhou Enlai surely would be remarkable and informative to scholars interested in grand strategy. By the same token, human rights

activists demanded to understand the rationale for decisions regarding the support of military governments across the so-called "Third World."

However, the transcripts were placed in folders marked "personal," and Kissinger had over thirty thousand pages removed from his office in the final two months of the lame duck Ford administration. Trucks transported the files from Washington, D.C. to a vault at the Westchester County, New York estate of Nelson Rockefeller, then the Vice President of the United States.

Kissinger consulted a State Department legal adviser, his subordinate, before removing the papers. The adviser gave the opinion that the transcripts were personal property. Kissinger then neglected to consult the National Archivist, the ranking official at the Document and Reference center of the State Department, or other bureaucrats responsible for the preservation of federal records under the Freedom of Information Act.

Kissinger sent the papers to the Library of Congress at the invitation of Boorstin soon after. The Librarian had just won the Pulitzer Prize for the final installment of his three-volume synthesis of US history, *The Americans*. In the series, Boorstin emphasized the process by which United States had become a "community" steeped in a "democratic experience," despite the tremendous hold of structures of power and their inequitable distribution in American society. Boorstin linked the rhetoric of democracy to that of transparency when he took his new position as Librarian. His first move was a symbolic one. With much pomp and circumstance, Boorstin removed the lock on the enormous bronze doors of the Jefferson Building, the oldest part of the Library.

The deeds signed by Kissinger and Boorstin contradicted such facile imagery. The Kissinger papers would be entirely closed to the public. According to the first deed, the government papers would be comprised only of copies and the "pre-existing government privileges" would not be affected by the gift. However, Kissinger refused to include the stenographic records of his conversations on the grounds that they were "personal papers." The deed also barred public access to any of the papers for a period of 25 years or 5 years after the death of Kissinger, whichever came later.

Many on the left had long mistrusted Boorstin, who had willingly named names when subpoenaed by the House Un-American Activities Committee as a young professor at the University of Chicago in 1953. Those he implicated included his dissertation adviser at Harvard, Granville Hicks. Boorstin took the extra step of agreeing with the committee that Communists should not be allowed to teach, and assured committee members that their efforts did not threaten "academic freedom." (When considering Boorstin for an honorary degree at Oxford in 1982, Isaiah Berlin asked Arthur Schlesinger, Jr., "has all this blown over?" Schlesinger responded: "The answer is yes…. No one gives a damn anymore.")

Others disagreed with Schlesinger, who wrote one of Boorstin's letters of recommendation when he applied to the Library of Congress. The intellectual historian John P. Diggins wrote that Boorstin saw "rhythm and harmony where others only see tension and discord." More importantly for Kissinger, the Freedom of Information Act did not cover the holdings of the Library, and would thus free his recorded conversations from the glare of conflicting interpretation.

A Successful Lawsuit

Officials arrived at the Rockefeller estate and moved the transcripts to the Library of Congress. This did not assuage his critics. One of them, the Archivist of the United States, Bert Rhoads, made two separate requests in 1977 to inspect the telephone transcripts to determine whether they were State Department records and if Kissinger had the authority to remove them. Kissinger refused to allow any inspection.

In 1953, Daniel Boorstin had willingly named names to HUAC as a young professor at the University of Chicago, even implicating his thesis adivsor at Harvard, Granville Hicks.

William Safire, a former White House official and *New York Times* columnist whose phone had been tapped by the Nixon administration, then sought to use the Freedom of Information Act to discover any personal references in the transcripts. Groups of anti-war activists, reporters, and scholars—including the American Historical Association, the American Political Science Association, and the Reporters Committee for Freedom of the Press—joined Safire to sue Kissinger under the Act. Together, they charged that Kissinger sought to avoid public disclosure of internal debates about the controversial decisions of his tenure, including the expansion of the Vietnam War into Cambodia, the coup d'état in Chile, and American support for other military juntas and the apartheid regime in South Africa. Public officials could not "simply take home or store with friends documents that they considered politically sensitive or personally embarrassing," the group wrote. The papers had been prepared in the discharge of official duties and were thus the property of the government.

Judge John Lewis Smith of the US District Court in Washington, DC agreed. He ruled that Kissinger had "wrongfully removed" the transcripts of his conversations as Secretary of State. The papers were public property, not private possessions. As such, Smith ruled that the Kissinger Papers needed be made available to the public on the same

basis as other government documents. (Because the Freedom of Information Act does not cover Presidential staff in the Executive Office, Kissinger's conversations as National Security Adviser were not reachable under the Act.)

Smith ordered the Library of Congress to return the transcripts to the State Department. The District Court affirmed the decision. The rulings seemed to be a victory for transparency. The court orders appeared unimpeachable in an era characterized by a backlash against official secrecy and what Schlesinger, Jr. had labeled "the imperial presidency."

Enter the Supreme Court

Kissinger appealed. His legal argument sidestepped the question of public access at the same time as it militated against the ideal of transparency. It did so by emphasizing a technicality. The Freedom of Information Act did not explicitly require the State Department to retrieve documents that were no longer in their files. According to this line of reasoning, because the journalists, historians, and political scientists filed their request after Kissinger removed the documents from his office, the law did not apply.

The Supreme Court agreed to hear the case, *Reporters Committee v. Kissinger,* in 1979. A question from Associate Justice John Paul Stevens in the hearing laid bare the main controversy. "If someone is aware of an impending Freedom of Information Act request and simply takes the documents home," he asked, "is there then no claim?" Kissinger's attorney, David Ginsburg, responded curtly. "That's correct."

By a vote of 5 to 2, the Court vacated the two earlier decisions. According to the majority opinion, written by William Rehnquist, "even if a document...is wrongfully in the possession of a party not an 'agency,' the agency which received request does not 'improperly withhold' those materials by its refusal to institute a retrieval action." Rehnquist supported Kissinger on a technicality. Because the Freedom of Information request occurred after Kissinger removed the transcripts, the records were no longer under the purview of the Act. The Supreme Court would not require the State Department to deliver documents it did not possess. Neither could the Library of Congress be ordered to return the documents, because the Act did not allow citizens to sue the Library.

Justices John Paul Stevens and William J. Brennan dissented from the majority opinion. Stevens found disingenuous the argument that the Kissinger Papers were personal. The transcripts had been made in the regular course of conducting government business, he wrote. They were the products of State Department personnel and assets, and were in the possession of the agency prior to their removal by Kissinger. More troubling, the decision to support Kissinger on such a technicality created a dangerous precedent. Now other outgoing officials had "the incentive...to remove potentially embarrassing documents."

Brennan agreed with Stevens. He wrote in a separate dissent that he was especially concerned the decision threatened the future of transparency. Rehnquist had made the Freedom of Information Act a "dead letter." It would be "plainly unacceptable" for a government agency to devise a routing system aimed at frustrating the Freedom of Information Act by moving documents outside government custody "with unseemly haste," as Kissinger had done. State Department records should remain accessible, even if they had passed beyond the control of the agency.

The Supreme Court dismissed the case on the grounds of jurisdiction rather than hearing its merits. The Kissinger loophole was wide enough to drive a bus through, the editors of the *New York Times* wrote. The "impeccable chop logic" of Kissinger, supported by Boorstin and Rehnquist, had allowed the Court to construe a law that sought to increase transparency in a way that prevented public access. Simply put, the Freedom of Information Act did not require a government agency to retrieve documents it no longer had.

Scholars and the Kissinger Loophole

The State Department negotiated an accord with Kissinger after the case, whereby he would allow officials to review the telephone transcripts. The agreement was never implemented. Even if Kissinger had broken the law when he removed the records, they would sit under lock and key in the Library of Congress. And there they would stay. But the 1980 Supreme Court decision was not the end of the story. Kissinger could hoard the papers, but he could not censor his critics. Now the debate would play out among public intellectuals. Scholars of all stripes lamented that nobody else could see the Kissinger Papers.

Kissinger himself moved in a Churchillian fashion to write his own history. Including his three-volume memoirs and two books dealing with his public career, *Diplomacy* and *Crisis*, he has published nearly 5,000 pages covering his time as National Security Adviser and Secretary of State. Other writers have more than kept pace, and the quantity of work on Kissinger is surpassed only by presidential scholarship on the founding fathers, Abraham Lincoln, and Franklin Delano Roosevelt.

Lack of access has been a constant theme in the Kissinger cottage industry. Hedley Bull, the Montague Professor of International Relations at Oxford, reviewed the first of the Kissinger memoirs, *White House Years*, in 1979. Bull called the book "not merely a source of information about American foreign policy [but] a profound study of international relations and of the history of our times." Bull also applauded the quality of writing, if backhandedly. Kissinger's instinct for drama did not seem out of place for such turbulent times. Even though his academic work had been "excessively, even comically Wagnerian," the penchant for opera was refreshing in a memoir. "Kissinger himself is a real life prima donna, the policy-maker manqué has become the policymaker," Bull wrote.

For Bull, professors generally did not make good policymakers, so it was apt that Kissinger wrote at length about the tension between "the philosopher and the statesman." In doing so, he had not concealed his bitterness towards former colleagues in academia. Bull found the acrimony ironic:

> One may feel some sympathy for Dr. Kissinger in making this painful transition, but what did he expect? Was he any kinder to those in office when he saw the world from an academic perspective? Is it not the role of the intellectual precisely to ask irresponsible questions, to state the absolutes to which in the nature of things statesmen can never approximate? It has often seemed to me that the career of this extraordinary man—who, in stepping so effortlessly into the world of high policymaking, acted out the secret dreams of countless academic experts on international relations—has provided a very unfortunate example to a profession whose business is after all, with thinking, not with doing.

Implicit in Bull's critique was the fact that Kissinger had not disclosed his papers. Without transparency, how could thinkers reflect on actions with any accuracy?

Theodore Draper made the point explicit in *Dissent* magazine. The use of classified documents in *White House Years* was "nothing less than scandalous" because the book held "literally scores of direct references to and textual quotations from documents" to which other scholars had no access. "Could I or any other scholar have access to them? Could one check up on how he used these documentary sources?" The answer was no. "By means of this dodge, no one else can gain access to these documents to determine how faithfully Kissinger made use of them," Draper lamented.

Yale historian Gaddis Smith agreed in a review of the second memoir, *Years of Upheaval*, in 1982. "The book sustains the old cliché that no author of a memo depicts himself as losing an argument," he wrote in *Foreign Affairs*.

Enter the National Security Archive

Another Yale historian, John Lewis Gaddis, reviewed Kissinger's third and final memoir, *Years of Upheaval*, nearly two decades later. Like Bull, Gaddis delved into the psychological divide between scholars and diplomats, emphasizing the messy nexus where realism and morality cross in the creation of foreign policy. He lauded Kissinger for setting out the objectives of grand strategy, if not its tactics, "with extraordinary candor and clarity." Like Draper and Smith, Gaddis also explicitly noted the basic affront to transparency. "Kissinger has produced the memoirist's equivalent of a battleship," he wrote, "intimidating in appearance, heavy with armor and bristling with armaments, equipped to fire salvos at past critics while launching pre-emptive strikes against histories as yet unwritten." Using material unavailable to historians, the memoirs sought to set the agenda for history. "Irritated by their inability to check his sources, historians would "regard this book as they have its predecessors: as an elaborate smokescreen designed to conceal what really happened."

The smokescreen began to dissipate soon after. A year later, the National Security Archive at George Washington University released *The Kissinger Transcripts*, a volume comprised of recently-declassified minutes of Kissinger's meetings with Soviet and Chinese leaders. The transcripts, like subsequent research, filled major lacunae in the Kissinger memoirs. The Archive celebrated the "sleuthing" of the editor, William Burr, most importantly his discovery of the full transcript of the historic first meeting between Nixon and Chairman Mao in February 1972. The Archive also criticized Kissinger. "The only complete set of these transcripts remains locked in the Library of Congress under Kissinger's personal control," Burr said.

Soon after the publication of *The Kissinger Transcripts,* the National Security Archive requested that the Archivist of the United States renew action to recover the telephone conversations. After a two-year legal battle, Kissinger turned over 10,000 pages of transcripts, many of which are now available online through the Archive and the Ford Presidential Library. Still, Burr was not satisfied: "Now the Justice Department and the National Archives need to recover the telephone conversations from Mr. Kissinger's years as national security adviser to President Nixon." He added that it was Kissinger's duty under another transparency law, the Presidential Records Act, to do so. This battle was also successful. In February 2002, the National Archives announced that Kissinger would release to its custody over 20,000 pages of transcripts made while he was national security adviser.

Historians have used the documents to implicate members of the Ford Administration, including Kissinger, in human rights abuses by military regimes in Latin America and elsewhere.

A Strange End to the Strange Career?

The decision by Kissinger to provide for the digitization of the records in the Library of Congress as part of his donation to Yale is a move that encourages even greater access. Gaddis, who criticized Kissinger for his lack of transparency in 1999, has had a long relationship with Kissinger through his Grand Strategy Seminar, and likely was instrumental to bringing the new set of documents to New Haven. The university papers will be housed in the Johnson Center for Diplomacy, where Kissinger Scholars will be able to study the work of their namesake.

Why has Kissinger, who fought for so long to define his legacy by limiting transparency, set aside funds to make those papers more readily available? One wonders whether

the former Secretary of State, seemingly ageless but now approaching 90, has begun to consider his own mortality. Unable to escape the ultimatum of human transience, perhaps he has taken a step back from trying to overcome his future critics.

Perhaps. More likely, he realizes that the time for judgment has already begun to arrive. The victories of the National Security Archive have been supplemented by others. In 1976, the Secret Police of Chile accidentally killed a US citizen, Ronni Karpen Moffitt, in the Washington car bomb which murdered the Chilean ambassador. In 2000, the FBI received subpoena power to review the Kissinger Papers relating to the case.

Using the Freedom of Information Act in 2006, the National Security Archive was able to publish a series of documents regarding the assassination and its position in Operation Condor, the larger collaborative effort among the secret police of Southern Cone countries to track down, abduct, torture, and assassinate opponents. More recently, historians have used the documents to implicate members of the Ford administration, including Kissinger, in human rights abuses by military regimes in Latin America and elsewhere.

Greater transparency has allowed historians to reassess other aspects of Kissinger and his legacy. In 2003, Kissinger used the transcripts to write *Crisis*, a nonstop narrative of the telephone diplomacy of two events: the decision by the Nixon administration to draw down the Vietnam War and the management of the 1973-1974 Arab-Israeli war. In this case, scholars could measure Kissinger's version of events against the transcripts. Whereas *Crisis* depicted an influential statesman employing his considerable resources and intelligence at full blast, many historians see a different story. Improvisation had been the rule, not cold strategy. The events drove Kissinger, often fraught as he struggled to balance priorities, rather than vice versa.

Despite these breakthroughs, the content of the Kissinger Papers remains secret, except to Ferguson, Horne, and other scholars personally tapped by the former Secretary of State. What stories linger untold? The shrewd use of leaks and the persecution of whistleblowers mark debates about transparency today. Pundits argue about the legality and ethics of Stuxnet, Anonymous, and Wikileaks. Federal Judge Colleen McMahon recently described "the Alice-in-Wonderland nature" of her inability to approve a Freedom of Information request by the *New York Times* and the American Civil Liberties Union regarding the use of drone attacks by the Obama administration against American citizens.

Meanwhile, Kissinger has endured criticism with the greatest of ease. Is his self-assuredness the fruit of deceit or of moral persuasiveness? It must be a combination of both. One day soon, historians may approach that question with less consternation and more confidence. **CP**

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A Brief History of Right-to-Work Laws

By David Macaray

On December 11, 2012, Governor Rick Snyder signed into law a bill making Michigan the twenty-fourthRight-to-Work (RTW) state in the US. By affixing his signature to that document, Snyder sent shock waves reverberating across the country—from the AFL-CIO's fortress in Washington DC, to SEIU union halls in Ohio, to ILWU headquarters in San Francisco.

It's no exaggeration to say that union activists and labor aficionados have always thought of Michigan as "special." Going all the way back to 1935, the year the estimable UAW was formed (with International headquarters set up, in 1951, in its renowned Solidarity House, located on Detroit's East Jefferson Avenue), it has been regarded as an eminently reliable pro-worker and pro-union state.

Not to put too fine a point on it, but hearing that Michigan had gone RTW was almost as shocking as finding out the Vatican had converted to Protestantism.

Accounts of how and why it happened vary. Some say it reflected the public's general cynicism and disillusionment with organized labor, precipitated by the UAW's hideous fall from grace (formerly at 1.1 million members, now at barely 380,000), coupled with Michigan's high unemployment rate. It was a case of people saying, "Why should I care? What have unions done for *me*?"

Others insist it had nothing to do with public disapproval of unions, that this was no more than your classic, political power-play, a well-oiled parliamentary maneuver pulled off in the dead of night by a Republican-dominated state assembly, approved by a vote of 58 to 51. No matter which explanation we cling to, the sobering fact remains that Michigan has crossed over.

What is a "Right-to-Work" law? In short, it's a law that allows employees to work in a union facility without being required to join the union or pay dues. This arrangement is referred to, euphemistically, as an "open shop" (as opposed to a "union shop").

The twenty-four states with Right-to-Work laws are: Alabama, Arizona, Arkansas, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Louisiana, Michigan, Mississippi, Nebraska, Nevada, North Carolina, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia and Wyoming. The list includes all eleven ex-Confederate states that formally declared secession.

One of the biggest objections to RTW laws is that they reward hypocrisy and greed by allowing non-union workers to get a free ride. These freeloaders enjoy the higher wages, better benefits, and superior working conditions (including top-of-the-line industrial safety programs) typically found in a union shop, without having to pay initiation fees or monthly dues. They're even allowed to file grievances, just like regular dues-paying members.

Only *7-percent of US private sector jobs* are unionized. That's

a sorry fact. Yet people in an RTW state are free to reject that other 93-percent (and considering that those facilities tend to offer inferior wages, benefits and working conditions, why wouldn't they?) and, instead, seek out a union shop where they're permitted to bury their snouts in the union trough without having to contribute anything.

That these superior wages and benefits were the result of collective bargaining—and wouldn't even exist without the union having negotiated them—apparently makes no difference. The law gives these sharp-eyed opportunists a free pass. The one privilege they *do* relinquish is so meager, it's barely worth mentioning. Non-members aren't allowed to run for union office or vote in union elections, which, given the economic benefits they receive in exchange, is the bargain of a lifetime

Ironically, while the majority of Republican politicians from these Right-to-Work states regularly squawk about America's reliance on "entitlements, entitlements, entitlements," you don't hear one peep from them when it comes to non-union workers being "entitled" to a union package they don't deserve.

Congressman Fred A. Hartley, Jr.

So how and when did RTW states come into existence? Do we actually know how they took root? In truth, it's easy to trace their lineage because their origins are all linked to the same event. They were created on June 23, 1947, by passage of the Labor-Management Relations Act (commonly known as the "Taft-Hartley Act").

Prior to Taft-Hartley, the most significant labor law was the National Labor Relations Act (commonly known as the "Wagner Act," after Robert Wagner, the New York senator who sponsored it). The Wagner Act was part of Roosevelt's New Deal (spearheaded by Secretary of Labor Francis Perkins, the first woman Labor Secretary in history), and it became law in July, 1935, coinciding with the UAW being born.

However, even though the Wagner Act was rightfully depicted as landmark legislation, it should be noted that, contrary to popular belief, it neither launched nor "invented" the labor movement. By the time the Wagner Act got around to becoming law, unions had been conspicuously active for *more than a hundred years*.

It's true. Unions were already regarded as the working man's best friend, and had been flourishing for more than a century. In 1825, the first all-women's union, the United Tailoresses of New York, was established. In 1827, the Mechanics Union of Trade Associations, the first centralized union (composed of craftsmen of different trades), was formed in Philadelphia. One of its first demands was a 10-hour work day.

In 1834, the National Trades Union, the first full-fledged national labor federation, was formed in New York, and two years later, in 1836, the National Cooperative Association of Cordwainers (shoemakers), the first national union of a specific craft, was established.

In fact, the very first athletes' union, the Brotherhood of Professional Baseball Players, was formed way back in 1885—fifty years before the Wagner Act, nine years after the National League was founded, and sixteen years before there was anything called the American League.

And there were strikes, lots of them, going all the way back to the 18th century. There was the New York City Bakers strike, in 1741, the 1774 Ironworkers strike in Hibernia, New Jersey, and the 1791 Philadelphia Carpenters strike (the first strike involving US building trades). Boston Carpenters went out on strike in 1835, and women mill workers in Lowell, Massachusetts, went out in 1836. By 1935, the year Wagner was passed, the labor movement was already in full-blossom.

Still, even with unions having done fairly well for themselves, the Wagner Act was seen as the next logical step, the final jewel in the crown. Indeed, labor groups had struggled long and hard to drag Wagner across the finish line. What made the Act so important was that it bestowed upon organized labor a level of recognition that had not previously existed—one that not only statutorily "legitimized" the movement but, in the eyes of the public, "consecrated" it, giving unions an aura of respectability they never had.

This "recognition" required businesses to acknowledge rights they'd always dreaded acknowledging. Embodied in the Wagner Act (which was now the law of the land) was labor's Holy Trifecta: the right to organize, the right to act as the employees' sole representative in contract negotiations, and the right to strike. Equally important, Wagner gave unions the power to insist that anyone who hired into a union shop had to join up. Belonging to the union was now a condition of employment.

Interestingly, some members of the ACLU (established in 1920) took an entirely different view. They saw Wagner as the serpent in the Garden, and implored labor *not* to embrace it, arguing that once you give the feds the authority to "sanction" you—once you open that door—you tacitly give them the

authority to "de-sanction" you. Which was why they urged unions to seriously consider retaining their amateur status. In light of what followed, that might not have been bad advice.

Although the Wagner Act was, undeniably, the most ambitious and comprehensive labor law ever written, it applied only to the private sector. It did not apply to agricultural and domestic workers (a necessary exclusion if its sponsors had any hope of getting the Deep South to ratify it) or railroad employees (those covered by the Railway Labor Act), or to supervisors, or federal, state, county or municipal government workers.

Included in the Act was the establishment of the NLRB (National Labor Relations Board), whose job it was to oversee union elections, making sure that a workforce requesting the opportunity to vote on joining a union was given a fair opportunity to do so. Overseeing union elections is a prime function of the Labor Board even today.

Management mischief—in the form of propaganda, disinformation, intimidation, stalling, flattery, bribes, sidebar deals, and outright threats—was common back then (just as it is today), and it was the NLRB's responsibility to insure that workers were given a free choice. No threats, no intimidation, no stalling….just a clean, honest "yea or nay" vote on whether or not to become union members.

Predictably, from the moment Wagner became law, anti-union forces vowed to get it repealed or drastically watered-down. Leading the charge was the US Chamber of Commerce (established in 1912) and NAM (National Association of Manufacturers, established in 1895). It took twelve years to do it, but with passage of the Taft-Hartley Act in 1947, they finally succeeded.

Basically, what the Taft-Hartley Act did was "tame" the labor movement by removing the Wagner Act's teeth. Co-sponsored by Senator Robert Taft (R-Ohio), and Congressman Fred Hartley (R-New Jersey), Taft-Hartley sought to purge Wagner of its so-called "anti-business" provisions in much the same manner that colonial Salem sought to purge itself of suspected witches.

Fueled by avarice and traditional Anglo-Saxon prejudices (during the 19th century, unions relied heavily upon "swarthy" immigrant labor), the Taft-Hartley Act set itself the task of crippling the labor movement by expanding and fortifying management rights, reducing labor's momentum, limiting the union's use of street tactics, making it harder to join a union, and chasing the "radicals" and Bolsheviks out of the movement.

Accordingly, Taft-Hartley banned jurisdictional strikes, sympathy strikes, wildcat strikes (already prohibited by the Wagner Act), secondary boycotts, secondary picketing, and mass picketing; it expanded the NLRB panel from three to five members, forced union officers to sign oaths swearing they weren't Communists, and gave the U.S. President strike-breaking authority if he believed (or pretended to believe) the strike was a threat to national health or safety.

But the most important thing it did was allow states to outlaw the "union shop." Union membership could no longer be made a condition of employment. This was not only a dagger in the heart of union solidarity (how many dues-paying members will continue paying when they see others getting the same benefits for free?), it was an open invitation to anti-union lawmakers.

Students of labor history know that President Harry Truman defiantly vetoed the Taft-Hartley bill, and that his veto was subsequently overridden by sizeable margins in both houses (308 to 107 in the House, 68 to 24 in the Senate). However, there's been considerable debate over just how "serious" Truman was in his opposition to it.

Critics say Truman vetoed it for political reasons—to curry favor with labor—and did so only after being assured his veto would be overridden. Others argue that Truman truly despised the bill, and that it was Southern Democrats ("Dixiecrats") who were to blame, having joined with Republicans to produce the necessary two-thirds override. But one thing can't be disputed. Whether Truman "liked" Taft-Hartley or not, he invoked it *twelve times* during his presidency.

One thing we need to remember is that organized labor was remarkably strong during this period—stronger than at any time in its history. In 1947, roughly 30-percent of American jobs were unionized (vs. 11.3-percent today, private and public), and that number was rising. FDR is said to have feared that John L. Lewis, the immensely popular president of the United Mine Workers (and a lifelong Republican), was going to throw his hat in the ring and run against him in 1944.

We also must remember that no one in the Establishment—not Congress, not the media, not the church, not the Democrats, not Truman, not the Boy Scouts of America—wanted to see the working class grow in strength. The prospect of workers becoming "too powerful"—of the U.S. becoming (as outlandish as this sounds today) a "proletariat state"—was not only seen as a real possibility, but with the USSR now America's avowed enemy, as a threat to national security.

It can be said that Right-to-Work laws were invented as "antidotes," and that the affliction they were designed to "cure" was the American labor movement itself. Of course, none of this was in any way preordained. These reactionary anti-union measures were simply the product of a concerted, twelve-year effort to eviscerate the Wagner Act. Nothing more noble than that.

Arguably, the three obstacles preventing workers from asserting themselves are: (1) the presence of RTW laws, (2) the absence of card-check, and (3) striker replacements. If workers aren't free to vote for a union, if new-hires aren't required to join, and if workers can't strike without losing their jobs, then where's the leverage? How do they fight? Get rid of those three impediments, and America's workers would have some push-back.

And yet, you still hear commentators insist that unions are "too powerful." If the economic landscape weren't so treacherous—if unions weren't fighting for their lives, if the middle-class weren't shrinking, if emasculated workers weren't struggling to provide their families with basic necessities—that remark might be considered funny.

If and when the next state goes RTW, it will bring the total to twenty-five, which is exactly half the country, the tipping point. And when the next one goes—when that next domino falls—it will mean the corporations have won the battle, Wall Street has won the war, and the U.S. has become an anti-union domain. And people actually feared we'd become a "proletariat state"? That was about as farfetched as the Mayan calendar. **CP**

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US Fracked Gas and the Imperial Great Game

BY STEVE HORN

Water on fire is the iconic image encompassing the US domestic debate over shale gas extraction, popularly known as "fracking" and shorthand for hydraulic fracturing. At this point, it's an image well-known even to those following the debate from afar.

Relatively few, comparably speaking, may realize just how interconnected the process made famous by the documentary film "Gasland" is with the dropping of firebombs abroad on behalf of the ever-expansive US/North Atlantic Treaty Organization (NATO) imperial project.

Dissemination of the report served as a pretext for the introduction of the LNG for NATO Act by Senator Richard Lugar during the waning days of the 113th Congress.

A year and a half long investigation of the global shale gas market by *CounterPunch* demonstrates that the debate over shale gas is equally about the ecological onslaught in the core of the empire as it is about the US/NATO empire in the periphery.

From "Clean" to "Extreme"

Farcically sold to the masses as a form of "clean energy" by industry lobbying tour de force America's Natural Gas Alliance and President Barack Obama, among others, an April 2011 study conducted by Cornell University scientists Anthony Ingraffea and Robert Howarth demonstrates that when measured as an entire lifecycle, shale gas extraction is actually dirtier than coal extraction.

The inescapable reality of fracking—accepted as consensus by critical observers of the process and generally denied only by those with financial ties to the industry—is a sobering one. That is, almost everywhere the industry sets up shop to drill for this form of what Hampshire College professor Michael Klare refers to as "extreme energy" ends up contaminating groundwater, polluting the air with radioactive toxins, and destroying democracy in communities nationwide.

From "Energy Independence" to the "New Saudi Arabia" for Exports?

Cynical public relations flacks have promoted shale gas extraction to American consumers as a way to gain "energy independence" and as a means to get off "OPEC's cartel," as energy baron T. Boone Pickens puts it. It's a cute, cozy and jingoistic sentiment, to be sure, but the reality is that an entire infrastructure of pipelines and liquefied natural gas (LNG) terminals are currently being built across the US to pipe and export the fracked gas to the global market.

Exporting LNG was made much easier by the Energy Policy Act of 2005, a bill notorious for being a giveaway to the oil and gas industry. As explained in a legal briefing written by the law firm Sutherland, Asbill & Brennan LLP, "[The Act] amends the [Natural Gas Act] to grant [FERC] express exclusive authority to approve or deny the siting, construction, expansion or operation of an LNG import terminal located onshore or in State waters." The Natural Gas Act of 1938 also deems both LNG exports and imports in the public interest

2011 and 2012 saw the "energy independence" debate flipped on its head, with Cheniere Energy receiving the first ever license in May 2011 from the US Department of Energy (DOE) to export LNG via its Sabine Pass, La. coastal terminal.

Given the changing dynamics of the domestic gas market and the potential for sharp price increases for gas consumers, the DOE spent 2012 publishing a study on domestic and global gas market dynamics. Unknown to many was the fact that this study was contracted out to a firm called NERA (National Economic Research Associates) Economic Consulting, a corporate research consulting firm with long historical ties to Big Tobacco, the coal industry, and the nuclear industry.

NERA's game works like this: big corporations pay it big bucks to produce "studies" pushing their agenda, presented to the public as "independent economic analyses." The identity of NERA was kept secret by the Obama Administration until mere weeks before the study was made public, referred to for months simply as the "unidentified third party contractor."

NERA/DOE concluded, unsurprisingly, that exporting LNG is in the best economic interest of the US Thousands of activists responded to the NERA/DOE study by submitting comments to the DOE concluding the exact opposite.

Some analysts believe the US is bound to become the "next Saudi Arabia" for exports due to its domestic unconventional oil and gas bounty and changing market circumstances. NERA's report, it could be said, laid the groundwork to make

this possible.

With 16 LNG export terminals across the coastal US still up for review by the DOE, the proverbial "elephant in the room" has been completely overlooked.

LNG exports must be examined through the lens of the US/NATO imperial agenda. Doing so offers a completely different explanation for the industry's - as well as enabling regulatory agencies' and politicians' - seemingly sudden change of heart on the issue of gaining "energy independence."

The Imperialism of LNG Exports

On Dec. 12, 2012, the US Senate Committee on Foreign Relations released a game-changing report on global gas markets titled, "Energy and Security from the Caspian to Europe." Then chaired by the new Secretary of State John Kerry, this Committee report's lead author was now-retired Sen. Richard Lugar (R-IN).

The report was unveiled for the first time at the Atlantic Council - described by Stop NATO's Rick Rozoff as a "US-based pro-NATO think tank" - at the time Chaired by former Sen. Chuck Hagel (R-NE), the Obama Administration's nominee for Secretary of Defense.

Fracking pipe in Williston, North Dakota. Photo: ND Department of Oil and Gas.

The report details what former US National Security Advisor to President to President Jimmy Carter, Zbigniew Brzezinski, refers to as the ongoing "Great Game" in Central Asia and the struggle over its massive gas resources. So important is this plentiful spigot of gas to the US/NATO agenda that the report recommends that the Obama Administration create a full-time US Envoy for Eurasian Energy Security position.

An overarching premise is that Russia and Iran must be further isolated, cut off completely from exporting their gas resources to NATO countries.

"US strategic interests in linking the nations of the Caspian Sea region with European and global markets have long been recognized and supported on a bipartisan basis," the report explains. "Energy is the economic lifeblood of many NATO allies and partners in the Europe and Eurasia region, and dependence on Russia and Iran for energy imports or exports remains a central detriment to those nations' sovereign independence in policymaking, economic development, and security."

Azerbaijan, Iran's northern neighbor, is referred to as the vital "Supply Anchor" and "linchpin" for gas in the region for the US NATO countries.

A Sept. 2009 US State Department diplomatic cable revealed by Wikileaks compared Azerbaijan President Ilham Aliyev's record to that of "The Godfather," saying he is "Michael Corleone on the outside, Sonny on the inside." Despite a human rights record condemned by both Amnesty International and Human Rights Watch, the special relationship continues apace between US/NATO countries and Azerbaijan.

"Fully committed to energy trade with the West, Azerbaijan is [a] pivotal supplier...For the past two decades, Azerbaijan's leadership has made the strategic calculation to use new pipelines to forge closer ties with the West, a decision that was by no means inevitable given the substantial cost of vast new pipeline infrastructure and geopolitical pressures from neighboring Iran and Russia," the report states. "However, Azerbaijan's main alternative to westward trade would be with Russia, which is not an attractive prospect."

Cutting off the flow of gas from Iran and Russia to NATO countries, though, is about far more than maintaining close ties to the Azeri dictatorship. Enter: US LNG exports to NATO.

Describing NATO countries as "ramping up capacity to import LNG," the report hones in on the looming US shale gas export boom and the role it could play in shutting off the spigot from Iran and Russia to NATO countries, stating that it could "directly contribute to European energy security."

The report closes by recommending that the Overseas Private Investment Corporation, US Trade and Development Agency, the European Bank for Reconstruction and Development, and the European Investment Bank should finance construction of LNG import terminals for NATO countries.

Dissemination of the report served as a pretext for the introduction of the LNG for NATO Act by Sen. Lugar during the waning days of the 112th US Congress. Given that it was introduced three weeks before the close of the Congressional term, the bill had no chance of passing, through it served its PR purposes, driving fluff-ball attention to the issue in the mainstream media, industry media and business media.

Now that the 113th US congressional session has commenced, the bill has simply been recycled and re-introduced, this time minted the "Expedited LNG for American Allies Act of 2013." The bill would, like its LNG for NATO Act predecessor, make NATO countries free trade partners under the auspices of the global gas market.

As *The Hill* explained, applications from non-free trade countries "face much more scrutiny from regulators," later

writing that "the new Senate bill would also require DOE to approve exports to other countries if the State Department, in consultation with the Defense Department, determines that it would promote US security interests."

The ten initial co-sponsors of the proposed legislation, S.192, took a total of $4.776 million from the oil and gas industry and electric utilities combined between 2007-2012 - $930,075 from the former and $3,445,778 from the latter - according to the Center for Responsive Politics' OpenSecrets.org campaign finance database.

"I support LNG exports to countries whether or not they have a free trade agreement with the United States," bill co-sponsor US Sen. John Barrasso (R-WY) said in a statement. "Our bill will also promote the energy security of key US allies by helping reduce their dependence on oil and gas from countries, such as Russia and Iran."

One-Two Imperial Punch: State Department Global Shale Gas Initiative/Unconventional Gas Technical Engagement Program

Above and beyond LNG exports, the Obama US State Department has taken the initiative to show other countries around the world how to extract shale gas. It's done so via its Global Shale Gas Initiative, now known as the Unconventional Gas Technical Engagement Program.

State Department officials have spent time instructing Ukraine, Poland, China and India how to do fracking "safely and economically." This tutelage agenda is yet another way to ween NATO countries off of Iranian and Russian gas, further isolating them economically.

Noteworthy is the fact that, though Russia possesses a shale gas prize of its own located in the form of its massive western Siberian Bazhenov Shale field, the State Department has not included the country underneath its Global Shale Gas Initiative/Unconventional Gas Technical Engagement Program umbrella.

It's an effort that, combined with the LNG exports agenda, can best be described as being part of a one-two imperial punch.

As the lethal US/EU economic sanctions, assassinations of nuclear scientists, and cyberwarfare ratchet up in Iran and as tensions between the US and Russia continue to grow into a latter day full-scale new-fangled Cold War, recall the iconic image of water on fire from fracking.

Few citizens could have foreseen that when shale gas industry landmen showed up at their doorsteps in rural Texas and Pennsylvania nearly a decade ago offering them royalties for their mineral rights, that the gas found underneath their land would be used as a pawn chip in the "Great Game" of the US/NATO imperial agenda. **CP**

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Getting Drug Treatment for Free? (Big Pharma Can Fix That!)

by Martha Rosenberg

Imagine a treatment for drug addiction and alcoholism that uses no drugs, requires no trained personnel, resources or insurance and makes no money for anyone. This "people's program" is the anonymous 12-Step groups—now at risk of being monetized by the National Institute on Drug Abuse and Pharma. Increasingly, the medical giants want to make drug addiction and alcoholism a "disease" to be treated with pills and even vaccines. *Ka-ching!*

"Addiction affects 23.2 million Americans," reads an announcement for a January speech by Dr. Nora Volkow, the head of the National Institute on Drug Abuse, who "believes that all addictions can be eliminated if the brain's receptors can be controlled." Yes, "all."

Volkow is credited with promulgating the out-of-the-box thinking that addiction is a real disease not a moral (or social) failing and that it is explained by neurobiology. But neither contention is new. Bill Wilson declared alcoholism a medical not moral problem in 1935—hello?—when he founded Alcoholics Anonymous. And neurobiology has been the "explanation" for depression, bipolar disorder and other psychiatric conditions—and the justification for medication—for over 30 years. It remains an unproven and disputed theory.

It's easy to see why Pharma wants a new revenue stream. Its blockbusters like Lipitor, Seroquel, Zyprexa, Singulair and Concerta have gone off patent and Medicare and Medicaid are starting to say "you want us to pay for WHAT," when charged billions for brand drugs that are no better than generics. Some states are even suing for reimbursement of the funds they spent on drugs.

Huge fraud settlements in recent years against Abbott, Pfizer, GlaxoSmithKline, Johnson & Johnson, Eli Lilly, AstraZeneca and Merck have also taken their toll. As stories of Pharma hiding drug risks, exaggerating efficacy and marketing drugs for unapproved conditions surface, FDA reviewers are also saying, "you want us to approve WHAT?" Patient and doctors are also gun shy.

In lieu of new drugs in its pipeline, Pharma has invented new age criteria for existing diseases to open new drug markets. It is telling adults they can suffer from ADHD like children, placing 26 by 20 foot screen ads in Times Square cajoling "Can't focus? Can't sit still? Could you or your child have ADHD?" (Bet no one has trouble focusing on that!) Similarly, it is telling parents and clinicians that children can suffer from the previously adult diseases of depression, bipolar disorder and even schizophrenia. Pharma has also rolled out "wakefulness" disorders (which used to be treated with coffee or even getting enough sleep) which also sell insomnia meds.

Increasingly, Pharma is "partnering" with rehab facilities to reach one of the last demographics not in its franchise—alco-

holics and drug addicts. Pharma consultant doctors now pen recovery books, adding a new "step" to the traditional 12 of asking your doctor if you need a pill. And there are frequent reports of rehab facilities and doctors being urged to give addicts a mental illness diagnoses along with their drinking or drug problem because then the patient can be treated with expensive pills for years or decades.

One out of four Americans has "mental illness" says the National Alliance on Mental Illness (NAMI) which was investigated by Congress for undisclosed Pharma funding. "Sixty percent of people with a substance abuse disorder also suffer from another form of mental illness, said a recent *New York Times*' *Science Times*. Another? They are "wired differently" and may have a "developmental brain disorder."

Nor are drug addiction and alcoholism the only conditions Pharma is trying to rechristen "diseases" and monetize. Grief and mourning are expected to be termed psychiatric illnesses and treatable diseases in the new, fifth edition of the *Diagnostic and Statistical Manual of Mental Disorders* (DSM-5), due out this spring. The DSM, published by the American Psychiatric Association, shapes much of the nation's health care spending and is "ripe with financial conflicts of interest" according to ABC News. Will we soon see ads that say,"Recently bereaved? Ask your doctor if Spousex is right for you?" Already, Pharma is talking about "diseases of the spirit."

Of course designating grief and mourning "diseases" is specious because a person is reacting to real things that happened as with Post Traumatic Stress Disorder (PTSD). And, like PTSD, which requires grief work and mourning of its own, many therapists say the healing only begins when people get off the psychiatric drugs and feel and process the overwhelming emotions.

It is hard to believe Volkow is not part of the Pharma agenda, even though she heads a government agency which should have a strong firewall. Many of her papers are co-written with Pharma consultants including some written with four doctors who report a combined total of 57 financial links to the drug industry.

My Name is Monkey 37; I am a Lab Animal

Volkow has become a media darling because of an unusual pedigree. She is the great-granddaughter of Leon Trotsky, the Bolshevik leader expelled from the Soviet Union by Joseph Stalin, and many of her ancestors perished during the reign of terror, said 60 Minutes feature about her last year. Still her family's ordeal doesn't seem to have left her with increased compassion or sensitivity to suffering—at least in animals. In paper after paper, Volkow and her co-authors subject animals to drug toxicities, especially cocaine and methylphenidate (Ritalin), and invasive, painful experiments. One scientific paper shows a graphic photo of a "pregnant bonnet macaque in transverse position within HR+ PET scanner. For dynamic PET studies, pregnant monkey was positioned so that maternal and fetal organs were within same field of view."

Of course, animal researchers have bred primate "models" of depression and addiction for years and had no more success than they have had in isolating the "gay gene." But Volkow combines her animal experiments with high tech diagnostics that are equally as chilling. "We have identified many of the biological and environmental factors [of addiction] and are beginning to search for the genetic variations that contribute to the development and progression of the disease," she wrote in a chilling National Institutes of Health newsletter.

Why is it chilling? Because Pharma increasingly seeks to treat patients at risk to develop certain conditions before the diseases develop. Drugs are aggressively marketed for people "at risk" for heart disease, diabetes, asthma, bone thinning, GERD and, of course psychiatric diseases like bipolar disorder and schizophrenia. Many of the allergy, anti-osteoporosis, antipsychotic and GERD drugs carry safety risks of their own and patients neither know if they would have developed the disease and needed the drug or if it is ever safe to terminate the drug. There's a business model for you.

It is also chilling because the citation of "biological and environmental factors" implies a patient can't judge his or her own well-being like PET scans and researchers can and treatment could be less than voluntary. Are letters like Dear Parent: On the basis of your childs' family history and brain scans, we believe he is at risk for alcoholism and drug addiction. These are conditions which are best treated early, down the road?

Volkow's twin convictions that neurobiology causes addiction and that addicts and alcoholics would submit to a pill or vaccine should embarrass the National Institute on Drug Abuse. Anyone who has dealt with addiction knows you would have to hold most addicts down to get them to take something to stop their drinking or drugging until they are ready to surrender. What about denial? What about the fact that drinking and drugging is fun—until it isn't and someone seeks or accepts help. If alcoholics would voluntarily take a drug or vaccine to stop using, Antabuse would have worked as an alcoholism treatment over 30 years ago. Antabuse, (disulfiram) is a drug someone takes to keep from drinking because when it is combined with alcohol it makes them violently sick. Though it works in some cases, many alcoholics don't want or like such chemical "will power."

It's not a surprise that the millions of people recovering from drug addiction and alcoholism without Pharma's help or products is an appealing target to Pharma. But addicts know, even if Volkow, NIDA and Pharma don't, that they have a mind/body/spirit disease that can't be seen or studied from brain scans or dissected monkeys. For 80 years the only "treatment" for drug addiction and alcoholism that works over the long term is peer-based help in a 12-step group which is also free. Moreover, most alcoholics and addicts say if there were a pill or vaccine to treat their disease, they wouldn't take it because living without their substance forces them to rely on others and live in a new, more mindful way. And, of course, because a drug was the problem to begin with. **CP**

MARTHA ROSENBERG is the author of *Born With a Junk Food Deficiency*.

How Obama Defanged the EPA

by Joshua Frank

It was a tumultuous tenure, productive by some accounts, lackluster by most, but one thing is for certain, Lisa Jackson's short time as administrator at the Environmental Protection Agency was anything but dull. On December 27, 2012 the often-fiery Jackson announced she was not going to return for a second term, and it is surely not difficult to see why she's fleeing her post.

Since President Obama was ushered into office in 2008, the EPA has consistently faced ridicule and criticism from corporate polluters and their greedy allies in Washington. On virtually every occasion Obama refused to side with Jackson's more rationale, often science-based positions, whether it was cleaning up the air or forcing the natural resource industries to abide by existing regulations. Ultimately, the EPA is only as formidable as the White House allows it to be, and on Obama's watch the agency has not received the support it has desired or deserved.

Lisa Jackson Photo: EPA.

Take the case of the Deepwater Horizon oil spill. Even though those three horrible months watching oil spew into the Gulf have seeped out of our collective memory, the BP disaster is one of the largest stains on Jackson's four-year stint at EPA. Soon after the underwater blowout, Jackson, a New Orleans native, demanded BP halt their use of the toxic dispersant Corexit 9500 to clean up their gushing mess. She took a tough line against a company that had gotten away with far too much for too long.

It could have been Obama's iron-fist moment, where the young president stood up to the oil industry and permitted the EPA to run the operation instead of letting BP's inept management have full control of the cleanup process.

Of course, after eight long years of President Bush, BP executives weren't used to being bullied into submission by some bureaucrat, especially a surly woman at the EPA, so they dialed up their friendly White House staff and complained that Jackson had overstepped her boundaries. Obama quickly obliged and forced the EPA to bite its tongue. Then Obama's Chief of Staff Rahm Emmanuel discreetly assembled administration's oil response team. Lisa Jackson was conspicuously absent from the list.

Even though it was the largest oil spill the US had experienced in decades, Obama prevented the agency in charge of overseeing the country's environmental regulations from being involved in any meaningful way. Could it have been that Obama surrendered to BP because he had two years earlier accepted more campaign cash from the company - a mix of cash from employees and political action committees - than any politician over the last twenty years? Not many in the environmental community were asking.

* * *

Following an EPA report on greenhouse gas emissions in 2009, Lisa Jackson appeared ready for a fight. In a written statement, Jackson declared carbon dioxide and five other greenhouse gases a threat to public health. No EPA administrator had ever made such bold comments.

"These long-overdue findings cement 2009's place in history as the year when the United States Government began addressing the challenge of greenhouse-gas pollution and seizing the opportunity of clean-energy reform," said Jackson.

It was her first major initiative at the EPA. This so-called "endangerment finding" was the necessary prerequisite that allowed the agency to enforce new fuel economy and greenhouse gas standards for motor vehicles and power plants. Jackson also moved to set stronger standards for mercury and toxic emissions and permitted California to implement its own set of greenhouse gas standards for vehicles, a reversal of a Bush-era policy.

This isn't to say that Jackson enjoyed Obama's support along the way. In fact, in some cases the administration outright opposed her efforts. In 2011 the White House moved to block the EPA from updating national clean air standards for smog. The episode echoed Bush tactics, where political expediency often trumped hard science. Sadly, Obama's team was successful at stopping Jackson and the courts have stalled the EPA's efforts to limit power plant pollution that blows across state lines.

"Disheartened would be a mild way to describe how clean air advocates felt when that happened," said Frank O'Donnell of DC-based Clean Air Watch told *CounterPunch*. "Rather than rewarding Jackson for doing the right thing, the White House shoved her aside and literally adopted the polluter-friendly policy of ... [President Bush] ... and then proceeded to defend that flawed Bush policy in court."

The message from the White House to clean-air advocates was clear: "Because the Republicans are so rotten on environmental issues, you're stuck with whatever we do. If you don't

like it, tough luck. We don't really care what you think. You have nowhere else to go."

"I don't recall any of the traditional clean-air champions in Congress raising hell over this. Party loyalty trumped substance," recalls O'Donnell, who has spent decades working for better clean air standards in Washington. "William Faulkner once wrote, 'Hollywood is a place where a man can get stabbed in the back while climbing a ladder.' Lisa Jackson's experience with ozone showed that an EPA administrator can get stabbed in the back by her boss just for doing her job."

Jackson faced a similar uphill battle when it came to the issue of coal ash. In 2009 the EPA began the process to regulate coal ash, a byproduct of coal incineration, which contains toxic metals like mercury, arsenic, beryllium, cadmium, chromium and nickel. The United States produces over 70 million tons of coal ash annually. After numerous incidents where ash from power plants has made its way into groundwater supplies, environmentalists and concerned citizens have called for such coal waste to be regulated.

"The time has come for common sense national protections to ensure the safe disposal of these materials," said Jackson when the EPA moved to first regulate coal ash, only to be halted by the White House. "Today, we are proposing measures to address the serious risk of groundwater contamination and threats to drinking water, as well as stronger safeguards against structural failures of coal ash impoundments."

In 2008 a coal slurry impoundment at the Tennessee Valley Authority's Kingston coal-fired power plant in Harriman, Tennessee, collapsed and more than 500 million gallons of toxic coal ash to enter the Tennessee River. Approximately 525 million gallons of black coal ash flowed into tributaries of the Tennessee River - the water supply for Chattanooga and millions of people living downstream in Alabama and Kentucky.

Obama wasn't pleased with Jackson's move to regulate filthy coal ash. In fact, he's forced the EPA to delay its rules on multiple occasions. Despite lawsuits waged by environmental groups, as recently as January 2013 the EPA announced it "cannot provide a 'definitive time' for promulgating final regulations on the management of coal ash from power plants."

No doubt it has been instances like these that prompted Lisa Jackson to leave the EPA and turn her back on Obama's White House—a conflict adverse administration that more often than not made it difficult for Jackson to do her job. While she was no environmental crusader, as she defended fracking practices as well as nuclear energy, Jaskson did believe in regulatory enforcement. Her replacement, whomever that may be, will likely find the Obama White House as equally challenging in upholding these laws. **CP**

JOSHUA FRANK is managing editor of *CounterPunch.*

Everything They Don't Want You to Know

BY ADAM FEDERMAN

We live in an age in which the power and reach of corporations is measured in terms of nation-states. At $354 billion, Exxon Mobil's annual revenue exceeds the GDP of Thailand making it in effect the world's 30th largest country. Bank of America's earnings are larger than Vietnam's, McDonald's bigger than Latvia's, and Wal-Mart, whose revenues topped $400 billion in 2010, greater than Norway. That we don't tend to think of these entities as autonomous states with their own standing armies and mini empires of private landholdings and underpaid labor stretching across the globe is a testament to their marketing power. They are still, in the eyes of many, just American companies, bigger versions of the mom and pop store, extending the values of economic freedom and individual sacrifice to far-flung corners of the world. Take a closer look at Chevron's ongoing ad campaign, "We Agree. Do You?" launched in 2010, which features ordinary looking working class people "agreeing" with the energy giant on everything from supporting small businesses and fighting AIDS to protecting the planet and promoting renewable energy. (Incidentally, in terms of GDP Chevron is bigger than the Czech Republic.)

Corporations are just one of us, they seem to be saying. And in this case they're not referring to *Citizens United*.

At the height of their power—Noam Chomsky has called them the "Masters of mankind"—the biggest corporations should have little to fear from activists or local communities who oppose their ventures. They should not have to be bothered by boycott campaigns or a handful of protesters distributing photocopied leaflets in front of their stores. What difference does it make to a Shell Oil or McDonald's if a small group of people or even several thousand view them unfavorably? Can't they just swat them away like so many flies? To what lengths will they go to protect their public image?

McDonald's and Shell are two of the mega corporations featured in Eveline Lubbers's book, *Secret Manoeuvres in the Dark: Corporate and Police Spying on Activists*. Their efforts to undermine activist campaigns, from anti-apartheid groups to animal right's advocates, reveal just how seriously these corporations take the threat of any opposition no matter how weak or loosely organized it may be.

As it happens McDonald's was one of the first multinational companies to use a combination of private security firms and state authorities to infiltrate a small grassroots movement that the company felt threatened its global brand. In the mid 1980s London Greenpeace launched a campaign against the fast food giant targeting its labor practices, environmental record, and mistreatment of animals. They produced a six-page leaflet, *"What's Wrong with McDonald's? Everything they don't want you to know,"* detailing the company's record on a wide range of issues. Not surprisingly, as they had on other occasions, McDonald's sued five of the campaigners involved in the production and distribution of the document asking them to retract their claims and apologize or go to court. Two of the activists, Dave Morris and Helen Steel, accepted the challenge and spent more than two years representing themselves in what was at the time the longest trial in British history. Though the proceedings focused primarily on the libel claims made by McDonald's, they also revealed a

great deal about the collusion between private investigators and the state—also known as grey intelligence—in monitoring opposition groups.

The Greenpeace leaflet came to the attention of McDonald's security chief Sidney Nicholson in 1987, the same year that Special Branch (the British police force) set up a designated desk devoted to monitoring animal rights activists, known as the Animal Rights National Index (ARNI). Before entering the world of private security Nicholson had been a police officer for more than 30 years both in South Africa and London; his experience is typical of the revolving door between state security agencies and the world of private intelligence. According to Lubbers, "[Nicholson] had been meeting with intelligence officers since 1984 to discuss animal rights activities." These connections proved to be extremely helpful in penetrating the London Greenpeace activists targeting McDonald's. For Special Branch, as Lubbers points out, the relationship provided an opportunity to infiltrate the animal right's movement.

Between October 1989 and early summer 1991 at least seven spies from two different private security firms became active members of London Greenpeace. They attended close to 100 meetings and delivered weekly reports to Nicholson describing the attendees (what they looked like, where they lived, etc.), issue's discussed, and plans for future action. The two firms were unaware of each other's work and so in many cases the spies were spying on each other and at some meetings made up nearly half of the collective. They participated in distributing the leaflet in question, helped answer letters, and were even involved in organizing the annual London Greenpeace Fayre.

In short, they engaged in the very same activities that Morris and Steel were later brought to trial for. In another ironic twist Lubbers even suggests that without the presence of the infiltrators the McDonald's campaign may have simply fizzled out. "Attendance had tailed off to such an extent," she writes, "that people were concerned that the group might not carry on." Steel told the court "When the private investigators were coming and they expressed interest in the group and the anti-McDonald's campaign and […] they basically kept the numbers up and kept the group going." Which of course allowed them to continue to gather intelligence on individual members and to gain access to other activist groups.

Indeed one of the spies, Michelle Hooker, who began attending meetings in August 1990, just before writs were served, seemed to be more interested in the animal rights movement than the McDonald's campaign. The timing is important because McDonald's claimed that it had hired investigators solely to identify those responsible for producing and distributing the pamphlet. If that were true it wouldn't make sense to bring another spy into the game at this late stage. Nonetheless Hooker quickly made inroads and absolved any doubts about her authenticity by becoming intimately involved with one of the core members of the group, Charlie Brooke. "She was beyond suspicion because she was going out with Charlie," another Greenpeace activist told the *Observer*. (This is a common tactic among police infiltrators.) Though the relationship eventually soured and Hooker drifted off Brooke would only find out about her role as a spy several years later, in 1996, when her name was released in the McLibel case.

But Hooker used her relationship with Brooke to gain access to more radical groups such as the Hackney and Islington Animal Rights Campaign. She obtained their diary of events for September 1990 and hosted dinner parties for members of the group who were on the ARNI watch list. It is clear from court documents that some of the other spies working for McDonald's were also instructed to infiltrate the animal rights movement. One of them referred to the operation as the "animal rights case."

"As the animal rights movement has receded somewhat in the last few years, security agencies, both public and private, have shifted their attention to climate change activists and groups like Plane Stupid, which seek to shut down airports and coal plants."

Another layer of intrigue suggests that McDonald's and Special Branch may have been collaborating long before the McLibel case was initiated. In 1984, Bob Lambert (using the name Bob Robinson) began a five-year undercover operation to gain access to London Greenpeace as a counter-terrorist and counter-extremist intelligence officer for Special Branch. Lambert's mission came to an end just before McDonald's hired its own private investigators.

In a response to a letter from SpinWatch in 2011 Lambert admitted that his goal had been to infiltrate the Animal Liberation Front. "As part of my cover story," he wrote, "so as to gain the necessary credibility to become involved in serious crime, I first built a reputation as a committed member of London Greenpeace, a peaceful campaigning group." Like Hooker Lambert established an intimate relationship with a fellow activist to further his agenda. The woman learned of his true identity only twenty years later. "I was cruelly tricked and it has made me feel very angry," she told the *Guardian*. "I feel violated."

Lambert made good use of his privileged status, however. He has said that it was his information that put two young activists—Andrew Clarke and Geoff Shepherd—behind bars

in 1987. They were caught in a Tottenham flat sitting at a table covered with material for assembling firebombs. Lambert's cover was so deep that he even visited one of the accused in jail while awaiting trial and managed to shift suspicion for the breach of security onto other members of the activist cell. He has since admitted to and apologized for his role. (If anything, though, it has only enhanced his professional status. Lambert is currently co-director of the European Muslim Research Center at the University of Exeter and a part-time lecturer at the Center for the Study of Terrorism and Political Violence at the University of St Andrews.)

How widespread is the kind of corporate and state espionage that characterized the McDonald's campaign against Greenpeace in the late 1980s and early 1990s? In early 2011 it was revealed that Mark Kennedy, operating under the name Mark Stone, had spied on and actively participated in the environmental movement for seven years. Over the course of his time as a spy for the Metropolitan Police Service (he was paid £250,000 a year) he carried out operations in 22 countries—in Germany he was even enlisted to commit crimes, one of which was arson. Though married with two children he also had several intimate relationships with activists including one that he carried on for six years. Of the 9 undercover agents identified by the *Guardian* over the past two years, eight are believed to have slept with the people they were keeping tabs on.

Eco-infiltrator Mark Stone. Photo: Greenpeace.

Kennedy's story also highlights the blurring of boundaries between state agencies and private security firms. As Lubbers points out, Kennedy reported to a little known unit set up to deal with "domestic terrorism" run by the Association of Chief Police Officers (ACPO). "[ACPO] is a limited company," Lubbers writes, "sharing its data with clients such as energy companies running power plants and airline companies involved in the expansion of airports and flights." The network of agencies tasked with taking on domestic extremism in fact grew out of the animal right's campaign against Huntingdon Life Sciences, an animal testing lab for pharmaceutical companies and chemical manufacturers. It started with the ARNI mentioned above. (The battle against Huntingdon would also ensnare activists on this side of the Atlantic who were charged with violating the Animal Enterprise Terrorism Act. For a thorough account of that episode and of the crackdown on environmental activists in North America, see Will Potter's *Green is the New Red: An Insider's Account of a Social Movement Under Siege*.)

But as the animal right's movement has receded somewhat in the last few years, security agencies, both public and private, have shifted their attention to climate change activists and groups like Plane Stupid, which seek to shut down airports and coal-fired power plants. In 2009 it was revealed that the British police and the Department of Business, Enterprise and Regulatory Reform had shared information with the energy giant E.ON, which runs the Ratcliffe-on-Soar power station, about climate camp demonstrations. E.ON also hired private security firms like Vericola and Global Open, both of which are staffed with former police officers and intelligence agents. Mark Kennedy has also been linked to Global Open.

Perhaps most troubling however is the extent to which infiltrators like Kennedy have acted as agents provocateur inciting violence and putting activists in a position of vulnerability vis a vis the police. In 2009 more than 100 demonstrators were arrested the day before planning to break into the Ratcliffe-on-Soar power station to prevent, they said, the emission of 150,000 tons of carbon. Kennedy himself was deeply involved in planning the action. He held meetings at his house, financed much of the operation, and volunteered to be one of the two climbers who would attach himself to the coal carrying conveyor belt (It was in part his prowess as a climber that served as an entrée into environmental groups). "We're not talking about someone sitting at the back of the meeting taking notes," one activist told the BBC. "He was in the thick of it." It is widely believed that Kennedy tipped off the police about the protest.

Even though some information about Kennedy has come to light since he was outed by skeptical activists much more remains unknown. On the eve of the trial of six activists charged with conspiring to break into the Ratcliffe-on-Soar power station the defendants requested more information about Kennedy's role in the operation. Perhaps not surprisingly they were rebuffed and the case unexpectedly dropped. It was as close as they would get to a more complete picture of Kennedy and his connections both to state and private security firms. He now lives abroad.

But, as Lubbers makes clear, his case is hardly the exception. Along with Lambert, Hooker, and others, "They were part of a pattern of infiltration of environmental and other activist groups, which seems to have been condoned at the highest level." **CP**

ADAM FEDERMAN is a frequent contributor to Earth Island Journal. You can find more of his work at adamfederman.com.

Transcendence in the Bathtub: the World According to Hushpuppy

By Kim Nicolini

It's hard to imagine the Hollywood Movie Machine giving its golden statue to a film that grew out of a group of filmmakers who intentionally make films that cut against the grain of Hollywood's synthetic mass-marketed productions. But *Beasts of the Southern Wild*, which Benh Zeitlin made with the DIY New Orleans movie-making collective Court 13, is one of this year's Academy Award nominees for Best Picture. Thankfully, this unexpected success is giving the picture the attention it richly deserves.

Set on the other side of the levee somewhere outside of New Orleans, in a mythical region known as The Bathtub, *Beasts of the Southern Wild* provides a vision simultaneously post-apocalyptic and utopian. On the one hand, the movie tells the tale of the schism created when the organic and synthetic worlds are at odds; on the other, the movie disrupts the order of Hollywood by creating a new kind of grassroots film outside of the confines of The Industry.

The movie focuses on the story of a little girl Hushpuppy and her relationship to her strong-willed, but very ill, widowed father Wink and within the backdrop of life in The Bathtub. Hushpuppy's life straddles the line between stability and chaos as her world is disrupted by storms, outsiders, death and the order of the universe itself. Every day is a holiday, but every day also comes with the threat of the universe unraveling. Sometimes it's just her father's temper; sometimes it's a literal hurricane.

The film opens with Hushpuppy attempting to put a small bird in a little mud house that she created. She is trying to make a stable home for a small living creature by using the power of her imagination and the elements of nature itself. This is ultimately the story of Hushpuppy and this movie as a whole. In *Beasts of the Southern Wild,* the imaginative filmmaking production of the Court 13 group mirrors Hushpuppy's strategy of dealing with her world. The sets are handmade from stuff collected at junkyards and hardware stores. The cameras are "jerry-rigged". Even the Aurochs (the beasts who threaten to disrupt the order of the universe) are real pigs filmed in close-up to make them seem bigger. This organic hands-on approach gives the film the "meat" of raw life.

While the production style immerses us in experiential sensory cinema that erases any Hollywood veneer of artifice, the acting makes the film even more intimate. The actors are all non-professional New Orleans locals. Quvenzhané Wallis, who plays Hushpuppy, is just a nine year old kid who grew up in New Orleans. She brings tremendous energy, spark and imagination to her role. Her Hushpuppy has more cinematic magnetism and emotional kinetic power than any child star groomed for the silver screen. Wink is played by New Orleans baker Dwight Henry as a fiery ball of loss, love, rage, and perseverance. The use of non-actors combined with the organic materiality of the filmmaking makes for a movie that is almost impossible to resist.

Everyone in The Bathtub is a mix of survival and myth. They're sweaty, dirty, drunk, and raucous, but they are also entirely committed to each other and their community. They wear the "dirt of life" with natural candor, free of shame. Black, white, old and young, they live together in a utopian post-apocalyptic community where there are no divides between gender, race and age. They are a bare-hands survival collective, resisting the lure of the plastic world while using its garbage to create an alternative existence beyond its borders.

In The Bathtub, people don't deny their relationship to nature and build levees to distance themselves from it. They recognize they are part of the natural universe of "meat" just like the

"In the Bathtub, people don't deny their relationship to nature and build levees to distance themselves from it. They recognize that they are part of the natural universe of "meat" just like other creatures of the world."

other creatures of their world. Survival doesn't depend on how much cash you have to fill your shopping cart but on relying on your own organic strength and cooperation with your neighbors to survive in a world which is full of peril and beauty. The film's message is that we are all meat, in a sense, beasts struggling to survive. We see it in action when Hushpuppy cooks a pot of cat food with a blow torch, clubs a catfish with her fist or cracks a crab in two with her bare hands. The myth of her conception revolves around killing and eating an alligator. She was conceived of meat, as we all were. In The Bathtub, there is no denying where food comes from.

Experiencing this world from the perspective of a six year old in an adult world is heartbreaking and magical all at once. Hushpuppy's father Wink teaches her to be "the man," asking her to flex and show him her "guns" to prove her strength. Her teacher Miss Bathsheba prepares Hushpuppy for the undoing of the universe by the Aurochs, mythical creatures of the Ice Age. She tells the kids not to sit around like "a bunch of pussies." Both adults teach Hushpuppy how to survive. Being tough, standing strong and taking care of your own doesn't mean you have to give up your heart or your belief in magic, but it doesn't mean you get to be a pussy either. Whether young or old, a girl or a boy, you have to face the truth of nature and "beast it" without the help of the government or the supermarket.

But the government does come into the picture when Wink and his comrades blow up the levee to save the Bathtub after the hurricane. As Wink says, "I ain't starving to death while them people going grocery shopping and all that." But bringing the levee down brings the National Guard in. They force the residents to evacuate their homes and live in a shelter (reminiscent of conditions in the post-Katrina Superdome) on the other side of the levee.

The entire universe of the film is disrupted by this intrusion of the government. Dramatically shifting to the sterile artificial world of the State where food and people are wrapped in plastic is jarring, unsettling and horrific. Hushpuppy describes it as being in "a fish tank without water."

In The Bathtub, people accept death as part of life, and they let their loved ones go in peace and celebration.

On the other side of the levee, the System refuses to let death take its natural course. The dying are plugged into walls where they become the living dead, while the medical systems feed off of them. Certainly this government filing system for human beings with its plastic wrapped food and bureaucratic forms and rules is much more apocalyptic than the world of The Bathtub where people party, crack crabs and parade on the dirt streets.

Fortunately, *Beasts of the Southern Wild* is a resolutely utopian narrative, so the folks from The Bathtub break free from the System and make it back to their homes, as ramshackle and wrecked as they are. Hushpuppy and her friends journey out to a floating nightclub on the Gulf where she meets a surrogate mother and picks up some magic fried alligator with the hopes of curing her dad from the disease that's killing him. When she brings it back to The Bathtub in a Styrofoam container, we witness the symbolic reconciliation of the film's two worlds, the artificial world of Styrofoam versus the mythical world of alligator meat.

Before she goes into the house to see her dad, Hushpuppy confronts an Auroch. She stares the apocalyptic beast in the eyes and says, "You're my friend, kind of." The beast who is supposed to unravel the universe bows in peaceful acknowledgement and leaves. The scene dissolves any remaining divides in the film, and Hushpuppy's "kind of" shows that there are no easy answers. Nothing is purely one thing—good or bad, male or female, old or young, alive or dead. Everything is part of everything else, and constructing "levees" only creates unnatural disasters.

That *Beasts of the Southern Wild* has been nominated for Best Picture along with the work of Hollywood insiders like Steven Spielberg (*Lincoln*) and Ben Affleck (*Argo*) is a testament to the film's power to break through the levee of mainstream Hollywood and deliver authenticity to an industry dominated by commercial interests and marketing focus groups. I can't help but wonder what will happen now that this remarkable film has made it to the other side.

What will become of it in Hollywood's "fish tank with no water"? Will it bring new life to the movies and then return to The Bathtub of New Orleans to flourish in its natural state, or will it get "plugged into the wall" of the movie industry where a board room of suits can cannibalize it to create knock-offs for the mass market?

Hollywood may try to copy Beasts in the future, but this little film from New Orleans is the real deal, and there is no denying its magical power to transform and transcend in the present. **CP**

Kim Nicolini is an artist, poet and cultural critic living in Tucson, Arizona. She recently published her first book, Mapping the Inside Out, in conjunction with a solo gallery show by the same name. She can be reached at knicolini@gmail.com.

Death of a Salesman

by Lee Ballinger

Barely on the cusp of puberty, I didn't know exactly what rock and soul music were trying to tell me but it felt good and I was all ears. I was the first kid in my grade school class to buy records. Since actual record stores did not yet exist in my city, I had to go to the music instrument store down on the town square which had a couple of small bins of 45s off in a corner. It was an adult environment and I felt out of place, but I had to have the music.

One of the salesmen there was Mr. Smith, who lived up the street from my family. He treated me with respect as a customer, not with the condescension that almost all other grown-ups had for my newly found passion.

About a year later, Mr. Smith opened his own store, selling musical instruments, appliances, and not only 45s but actual albums. He couldn't make it work. One day I came home from school and found my mother very upset. She told me that Mr. Smith, distraught over the failure of his business, had hung himself in his bedroom closet. His daughter, who was about my age, found the body.

If Mr. Smith had been a better businessman, he might have made a go of it for a while. But the history of record retailing reveals the ruthless internal logic he was up against.

In the 1960s a new animal, the record store chain, emerged and it snatched away the music market from general merchandise stores. Riding an overheated war-driven economy, the chains took on massive amounts of debt and expanded rapidly (in the case of Tower Records, around the world). Meanwhile, in an ominous portent, factories and mills were closing and real wages had begun to fall.

The convergence of rising debt loads and falling disposable income took its toll, exacerbated by the rise of the Internet. One record store chain after another went under: Discount Records, National Record Mart, Record Bar, Sam Goody, Tower, Virgin Megastore, Wherehouse. Simultaneously, America saw the return of Mr. Smith's retail model, where selling records was only a sideline. This time it was on a much grander level as Walmart became the country's biggest music retailer and big box stores like Circuit City, Borders, and Best Buy sold a lot of CDs.

Now Circuit City and Borders have gone belly up and Walmart has drastically reduced its music offerings. In January, the UK's last remaining chain music retailer, HMV, went bankrupt, closing 250 stores and firing over 4,000 workers. In the wake of HMV's demise, the British press was filled with talk about the search for a viable "business model," usually with quotes from executives at HMV or other failing companies about how Amazon had unfairly stolen their customers.

None of these moral men in suits mentioned the way Amazon brutally exploits its workers. That should come as no surprise—HMV employees at two Irish stores had to stage sit-ins to get their final paychecks. The crocodile tears these execs shed over Amazon's ascendance fall on barren ground since the shift in music distribution from stores to online is a *fait accompli*. But that doesn't mean the Internet will remain a viable "business model" either. Three billion people in the world now live on less than two dollars a day and they don't buy CDs. That Third World phenomenon is now rapidly spreading across the austere landscape of Europe and even the United States, with no sign of slowing down.

The ups and downs of various retail strategies over the years have also decimated the ranks of local independent record stores. We mourn their loss not so much because of the music they once sold that the chains wouldn't carry (we can easily find that online now) but because many of these stores also served as community centers, cultural hubs for entire cities.

That was great while it lasted. But why should we see community as such an exceptional, elusive thing? For most of human history, everything was shared. It was only with the historically recent emergence of various forms of businessmen that anyone thought to arrange society any other way. That doesn't mean we can go back to being hunter-gatherers, although we should thank them for their collective evolution which resulted in human brains which are hard-wired to enjoy music. Thanks to those ancestors, we are able to embrace the likes of John Lennon's "Imagine" or Nelly's "Nellyville," songs which point us toward a future of widespread community and sharing.

"We mourn the loss of independent record stores not so much because they once sold music that the chains wouldn't carry, but because they also served as cultural hubs for entire cities."

Of course, millions of people are *already* sharing music for free via the Internet, while those music industry corporations which haven't yet gone bankrupt continue to try to stop what they describe as "piracy." Such corporations, the unholy spawn of Congress, courts, and lawyers, are obsolete, the horse and buggy of the 21st century. They create traffic jams on our cultural roadways while they litter them with their own special brand of equine excrement: lawsuits against fans for sharing music. Within another generation, they will all be gone. Unlike Mr. Smith, they will not be missed. **CP**

Lee Ballinger is the West Coast editor of Rock and Rap Confidential and lives in Los Angeles, California.

Kestrel

In that moment just before something dies
a triple rainbow is held
by the fingertips of mountains,
dissolves into two, then one
a waitress smiles and walks away
without picking up her tip
a car stalls on a gravel road
and the driver sits, unmoving,
staring into the distant gray
a flock of autumn blackbirds
re-leaves the branches of a barren willow
a man at his window
thinks about the same woman as always
whenever the light is like this
and the sun flashes
off the back of a hovering falcon
as it decides which small, frantic life
to set free.

— Marc Beaudin, September 2009

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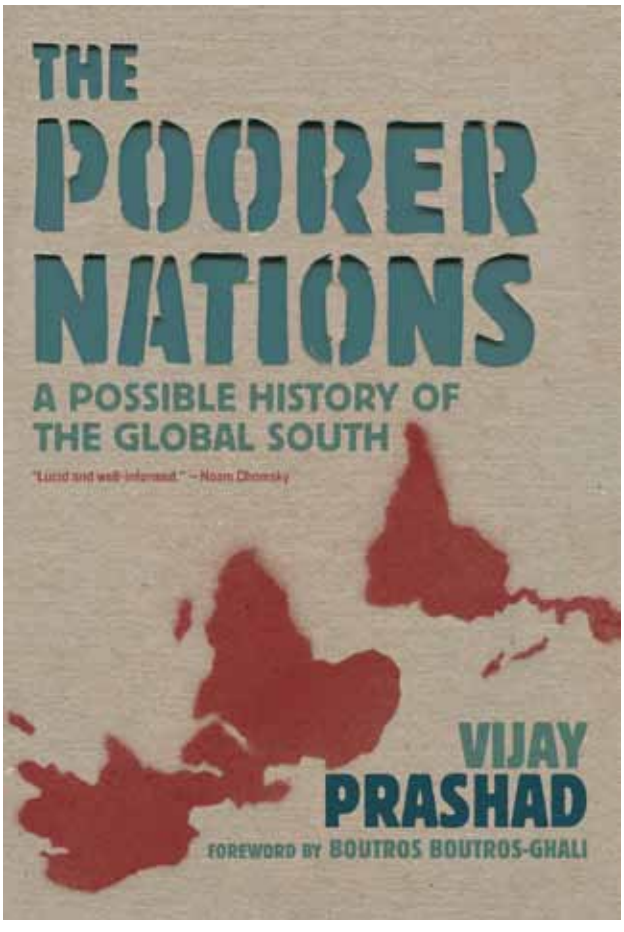

The Poorer Nations: A Possible History of the Global South

by Vijay Prashad

Introduction by Boutros-Boutros Ghali

"At a time when the ideologues of the Washington Consensus appeal to former colonies to free themselves from history, Vijay Prashad recalls a past without which it is impossible to understand the present."
— Tariq Ali, author *The Obama Syndrome*

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