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## The Art of American Scaremongering

By Philip Giraldi

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Whenever one needs a good laugh there is almost always an obliging politician who can come up with something that makes the rest of us smile. Michigan Republican Mike Rogers, frequently noted scowling with a face radiating hostility that could curdle milk, chairs the House Intelligence Committee. He is much given to finding enemies under every rock and is not normally a laugh-a-minute type of guy, but he does have his moments.

Back in the days of the Roman Republic Cato the Elder would end every speech with the line, "*Delenda est Carthago*," meaning Carthage, as it was a threat to Rome, must be destroyed. Rogers, like Cato, has not been shy about repeatedly conveying his perception of the terrible damage that Edward Snowden has done to national security, returning obsessively to the desirability of "getting" Snowden and anyone else associated with him. Rogers' latest gambit, which is where the joke comes in, concerns how some journalists should be imprisoned because they are allegedly personally profiting from the secret documents that they have been given, he calls it "fencing stolen property."

Rogers persistently fails to mention how he and his committee did absolutely nothing to protect the rights of 350 million Americans while Snowden was collecting information indicating that the government has been spying on its own people. He also believes that papers taken from the National Security Agency (NSA) are private property, somehow avoiding the fact that they actually belong to the American people and are a testament to what the government is doing on their behalf. He also apparently thinks that journalists who received documents relating to

government malfeasance are little more than thieves profiting from stolen goods because they are presumably paid by their employers to write stories relating to the papers that they are able to obtain.

Rogers needs to go back to high school and take a civics course. When he joined the FBI and later entered congress in 2001 he swore an oath to uphold the Constitution of the United States, not to protect the activities of the NSA, CIA, FBI or any other component of the alphabet soup that we Americans now call a government. That should be his sole mandate. If government spying on its own people is indeed a crime and a violation of the Fourth Amendment of the Constitution, regarding which a case can easily be made, then Snowden is a whistleblower and it is Rogers who is himself engaged in a criminal conspiracy to uphold the government's right to behave illegally.

Journalists who receive information suggesting illegal activity by the government have, until lately, been considered to be doing their jobs to report on what is going on. That is the function of the Fourth Estate, though the White House has been seeking to diminish that ability through the exercise of legal sanctions against members of the press who report embarrassing stories by using the Espionage Act of 1917. Obama has sought to compel journalists to reveal their sources seven times, more than all previous presidents in the history of the United States. Combine that with the frequent employment of the state secrets privilege to eliminate any possible judicial review of White House action and we are witnessing the ultimate irony, a president who ran on a "transparent government" shtick while secretly planning to introduce something like a police state.

Yes, people who write for newspapers are paid for what they do so, if one regards official papers as property of the government, that means in some twisted sense that journalists are profiting from stolen goods. This is apparently the case that Rogers is trying to make though he appears to be also slyly suggesting that some journalists are actually selling the government documents to the highest bidder. It is an assertion for which there appears to be absolutely no supporting evidence. The handling of the Snowden documents by those who have access to them does not differ from the dissemination of similar documents in the past by other journalists.

And Rogers is not alone in his allegations. Last year NSA Director General Keith Alexander mentioned "selling" government documents. Two weeks ago Director of National Intelligence James Clapper, who lied to congress about the NSA spy program back in March, referred to Snowden having "accomplices," by which he meant journalists who were enabling his activity. The intention is clearly to criminalize the whistleblowing itself as well as any media involvement after the fact. The argument relies on the Espionage Act, which can be interpreted to criminalize anyone who obtains possession of classified information as an "aider, co-conspirator, or abettor" even if they did not themselves take the documents. If Rogers & Company are successful the consequence will be that journalists and newspapers will never develop news sources about secret information the government finds embarrassing or that exposes illegal acts. The Nixon argument that "it's not illegal if the President does it" will prevail.

What we are seeing is a consensus within both the administration and congress that leakers of any and all classified information must somehow be punished. Working back from that premise,

it is necessary to find some legal justification to enable the punishment to take place. This is behavior not atypical of totalitarian regimes. The Soviets maintained meticulous records of their completely phony show trials to demonstrate that some kind of rule of law was taking place while even the Nazis used a famous jurist Carl Schmitt to propagate their "Führer principle," that the government is always right. Rogers and others in the government who are looking to imprison people for doing the job that they should have been doing in terms of protecting the constitution are heirs to that legacy of government through intimidation and fear mongering.

And the government is also active in other ways in creating threats to maintain a high level of vigilance against its own citizens. Speaking before the very Intelligence Committee headed by Rogers Director of National Intelligence James Clapper said last week that "Looking back over my more than half a century in intelligence, I have not experienced a time when we've been beset by more crises and threats around the globe." Since Clapper has a track record of lying before congress, one might well accept that he is fibbing at least a little or has forgotten the bad old days of the cold war, which was certainly a lot more dangerous than a bunch of bearded guys hiding in caves.

Rogers used the same meeting to suggest that Snowden might be working for the Russians, which a taken-aback head of the Defense Intelligence Agency General Matt Flynn tried to disagree with before weasel wording a response, "Yes, possible." Rogers then moved on to CIA Director John Brennan, who nodded approvingly about the crisis that the United States is facing, noting that Syria is becoming a "launching pad" for al-Qaeda to recruit foreign jihadists to return home and stage attacks. Another intelligence source commenting on Brennan's observations subsequently told the *LA Times* that there are about 50 American citizens among the 7,500 foreigners in Syria.

Neither Clapper nor Brennan had sufficient integrity to describe how those very jihadists are now in Syria thanks to an ill-conceived American backed plan to overthrow President Bashar al-Assad and they probably think that such retro thinking is particularly distasteful. No one would have listened to them anyway. And those 50 renegade Americans, is that a guess or something that was provided by the Israelis? Clapper and Brennan also are among the chorus, led by Congressman Peter King, who have been crying wolf about domestic terrorists since 9/11, warning of the jihadis returning home to wreak havoc. How often has that happened? It has never happened and I would be very interested in seeing the intelligence that suggests that it is a real possibility.

And, in the real world, what does a company do if it is failing? It changes management. If America is indeed "beset" (Clapper's description) by more crises and threats now than ever before, surely that is an indictment of the leadership and professionalism of Brennan and Clapper and the people they surround themselves with. They should resign to see if President Barack Obama can come up with someone less incompetent before they wander off to pick up a sinecure with some defense contractor. They might in the meantime also stop looking for scapegoats among journalists who are doing their jobs or whistleblowers who are revealing criminal activity by the government or even innocent Americans whose families come from parts of the world that they consider "threatening." The whole sad tale of failure and pointing fingers very much

demonstrates that the \$1 trillion or so dollars spent every year to combat terrorism really hasn't bought very much.