Snowden is a defender of democracy. And don't forget Manning.

My blog:
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http://jamesrichardbennett.blogspot.com/

Newsletters
http://www.omnicenter.org/newsletter-archive/
See newsletters on National Security State (NSS), Pentagon, Secrecy, Surveillance, and many more.

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An informed, vocal, insistent citizenry—preeminently our hero whistleblowers—is the best defense of our democracy, not ten U.S. Navy carrier strike groups.

Nos. 1-4 at end

Contents Snowden Newsletter #5
Snowdon, We’re All Being Spied On
Greenwald, His New Book on Snowden, NSA, and US Corporate Mainstream
   Media:  No Place to Hide, Publisher’s Description
Greenwald’s Reply to Kinsley’s Review of No Place to Hide
Greenwald, Earliest Events in the Meeting of Snowden and Greenwald/Poitras
Snowden and Greenwald on TV
   PBS, Frontline, "The USA of Secrets"
   Amy Goodman, Democracy Now Interview of Greenwald
Edward Snowden: We're All Being Spied On
Excerpt: "The US intelligence whistleblower Edward Snowden has warned that entire populations, rather than just individuals, now live under constant surveillance." READ MORE

NO PLACE TO HIDE
Edward Snowden, the NSA, and the U.S. Surveillance State
Glenn Greenwald
In May 2013, Glenn Greenwald set out for Hong Kong to meet an anonymous source who claimed to have astonishing evidence of pervasive government spying and insisted on communicating only through heavily encrypted channels. That source turned out to be the 29-year-old NSA contractor Edward Snowden, and his revelations about the agency's widespread, systemic overreach proved to be some of the most explosive and consequential news in recent history, triggering a fierce debate over national security and information privacy. As the arguments rage on and the government considers various proposals for reform, it is clear that we have yet to see the full impact of Snowden's disclosures.

Now for the first time, Greenwald fits all the pieces together, recounting his high-intensity ten-day trip to Hong Kong, examining the broader implications of the surveillance detailed in his reporting for *The Guardian*, and revealing fresh information on the NSA's unprecedented abuse of power with never-before-seen documents entrusted to him by Snowden himself. Going beyond NSA specifics, Greenwald also takes on the establishment media, excoriating their habitual avoidance of adversarial reporting on the government and their failure to serve the interests of the people. Finally, he asks what it means both for individuals and for a nation’s political health when a government pries so invasively into the private lives of its citizens—and considers what safeguards and forms of oversight are necessary to protect democracy in the digital age. Coming at a landmark moment in American history, *No Place to Hide* is a fearless, incisive, and essential contribution to our understanding of the U.S. surveillance state.

See Newsletter #1 for a review of Luke Harding's *The Snowden Files*, which covers much of the same story. – Dick

May 24, 2014

Glenn Greenwald. (photo: AP)

“A Response to Michael Kinsley”
By Glenn Greenwald, The Intercept, 23 May 14
In 2006, Charlie Savage won the Pulitzer Prize for his series of articles in *The Boston Globe* exposing the Bush administration’s use of “signing statements” as a means of ignoring the law. In response to those revelations, Michael Kinsley—who has been kicking around Washington journalism for decades as the consummate establishment “liberal” insider—wrote a *Washington Post* op-ed defending the Bush practice (“nailing Bush simply for stating his views on a constitutional issue, without even asking whether those views are right or wrong, is wrong”) and mocking concerns over it as overblown (“Sneaky! . . . *The Globe* does not report what it thinks a president ought to do when called upon to enforce or obey a law he or she believes to be unconstitutional. It’s not an easy question”).

Far more notable was Kinsley’s suggestion that it was journalists themselves—not Bush—who might be the actual criminals, due both to their refusal to reveal their sources when ordered to do so and their willingness to publish information without the permission of the government:

> It’s wrong especially when contrasted with another current fever running through the nation’s editorial pages: the ongoing issue of leaks and anonymous sources. Many in the media believe that the Constitution contains a “reporter’s privilege” to protect the identity of sources in circumstances, such as a criminal trial, in which citizens ordinarily can be compelled to produce information or go to jail. The Supreme Court and lower courts have ruled and ruled again that there is no such privilege. And it certainly is not obvious that the First Amendment, which seems to be about the right to speak, actually protects a right not to speak. . . .

Why must the president obey constitutional interpretations he disagrees with if journalists don’t have to?

Last Sunday, same day as the *Globe* piece, *The New York Times* had a front-page article about the other shoe waiting to drop in these leak cases. The Bush administration may go beyond forcing journalists to testify about the sources of leaks. It may start to prosecute journalists themselves as recipients of illegal leaks. As with the *Globe* story, this turns out to be a matter of pugnacious noises by the Bush administration. Actual prosecutions of journalists for receiving or publishing leaks are “unknown,” the *Times* article concedes. But this could change at any moment.

Well, maybe. And maybe journalists are right in their sincere belief that the Constitution should protect them in such a case. But who wants to live in a society where every citizen and government official feels free to act according to his or her own personal interpretation of the Constitution, even after the Supreme Court has specifically said that this interpretation is wrong? President Bush would actually top my list of people I don’t want wandering through the text and getting fancy ideas. But why should he stay out of the “I say what’s constitutional around here” game if his tormentors in the media are playing it?

*This is the person whom Pamela Paul, editor of *The New York Times Book Review*, chose to review my book, *No Place to Hide*, about the NSA reporting we’ve done and the leaks of Edward Snowden: someone who has expressly suggested that journalists should be treated as criminals for publishing information the government does not want published. And, in a totally unpredictable development, Kinsley then used the opportunity to announce his contempt for me, for the NSA reporting I’ve done, and, in passing, for the book he was ostensibly reviewing.*

Kinsley has actually done the book a great favor by providing a vivid example of so many of its central claims. For instance, I describe in the book the process whereby the government and its media defenders reflexively demonize the personality of anyone who brings unwanted
disclosure so as to distract from and discredit the substance revelations; Kinsley dutifully tells *Times* readers that I “come across as so unpleasant” and that I’m a “self-righteous sourpuss” (yes, he actually wrote that). I also describe in the book how jingoistic media courtiers attack anyone who voices any fundamental critiques of American political culture; Kinsley spends much of his review deriding the notion that there could possibly be anything anti-democratic or oppressive about the United States of America.

But by far the most remarkable part of the review is that Kinsley—in the very newspaper that published Daniel Ellsberg’s Pentagon Papers and then fought to the Supreme Court for the right to do so (and, though the review doesn’t mention it, also published some Snowden documents)—expressly argues that journalists should only publish that which the government permits them to, and that failure to obey these instructions should be a crime (emphasis mine):

The question is who decides. It seems clear, at least to me, that the private companies that own newspapers, and their employees, should not have the final say over the release of government secrets, and a free pass to make them public with no legal consequences. In a democracy (which, pace Greenwald, we still are), that decision must ultimately be made by the government. No doubt the government will usually be overprotective of its secrets, and so the process of decision-making — whatever it turns out to be — should openly tilt in favor of publication with minimal delay. But ultimately you can’t square this circle. Someone gets to decide, and that someone cannot be Glenn Greenwald.

Greenwald’s notion of what constitutes suppression of dissent by the established media is an invitation to appear on “Meet the Press.” On the show, he is shocked to be asked by the host David Gregory, “To the extent that you have aided and abetted Snowden…why shouldn’t you, Mr. Greenwald, be charged with a crime?” Greenwald was so stunned that “it took a minute to process that he had actually asked” such a patently outrageous question.

And what was so outrageous? . . . As the news media struggles to expose government secrets and the government struggles to keep them secret, there is no invisible hand to assure that the right balance is struck. So what do we do about leaks of government information? Lock up the perpetrators or give them the Pulitzer Prize? (The Pulitzer people chose the second option.) This is not a straightforward or easy question. But I can’t see how we can have a policy that authorizes newspapers and reporters to chase down and publish any national security leaks they can find. This isn’t Easter and these are not eggs.

Let’s repeat that: *The New York Times* just published a review of *No Place to Hide* that expressly argues on the question of what should and should not get reported “that decision must ultimately be made by the government.” Moreover, those who do that reporting against the government’s wishes are not journalists but “perpetrators,” and whether they should be imprisoned “is not a straightforward or easy question.”

*Barry Eisler, Erik Wemple, and Kevin Gosztola* all have excellent replies to all of that, laying bear just how extremist it is. After reading Kinsley’s review, Ellsberg had a couple questions for him:

But there’s a broader point illustrated by all of this. Reviews of *No Place to Hide* internationally (the book has been published in more than two dozen countries, in nine languages) have, almost unanimously, been extremely positive. By stark contrast, reviews from American writers have been quite mixed, with some recent ones, including from George Packer and now Kinsley, attempting to savage both the book and me personally. Much of that
is simply an expression of the rule that Larry Summers imparted to Elizabeth Warren upon her arrival in Washington, as recounted by *The New Yorker*:

Larry Summers took Warren out to dinner in Washington and, she recalls, told her that she had a choice to make. She could be an insider or an outsider, but if she was going to be an insider she needed to understand one unbreakable rule about insiders: “They don’t criticize other insiders.”

My book, and my writing and speaking more generally, usually criticizes insiders, and does so harshly and by name, so much of this reaction is simply a ritual of expulsion based on my chronic violation of Summers’ rule. I find that a relief.

But even the positive reviews of the book in the U.S. (such as from the Times’ book critic Michiko Kakutani) took grave offense to its last chapter, which argues that the U.S. media are too close and subservient to the U.S. government and its officials, over whom the press claims to exercise adversarial oversight. This condemnation of the U.S. media, argued even many of the positive reviewers, is unfair.

But here, it wasn’t just Kinsley who mounted an argument for the criminalization of journalism when done against the government’s wishes. Almost instantly, other prominent journalists—NBC’s David Gregory, The Washington Post’s Charles Lane, New York’s Jonathan Chait—publicly touted and even praised Kinsley’s review.

So let’s recap: *The New York Times* chose someone to review my book about the Snowden leaks who has a record of suggesting that journalists may be committing crimes when publishing information against the government’s wishes. That journalist then proceeded to strongly suggest that my prosecution could be warranted. Other prominent journalists—including the one who hosts *Meet the Press*—then heralded that review without noting the slightest objection to Kinsley’s argument.

Do I need to continue to participate in the debate over whether many U.S. journalists are pitifully obeisant to the U.S. government? Did they not just resolve that debate for me? What better evidence can that argument find than multiple influential American journalists standing up and cheering while a fellow journalist is given space in *The New York Times* to argue that those who publish information against the government’s wishes are not only acting immorally but criminally?

**Glenn Greenwald's new website launches with fresh NSA revelations**

*The Intercept* one of several sites to be launched by new media company First Look, started by eBay founder Pierre Omidyar. [http://www.theguardian.com/media/2014/feb/10/the-intercept-glenn-greenwald-nsa-revelations](http://www.theguardian.com/media/2014/feb/10/the-intercept-glenn-greenwald-nsa-revelations)
The first digital venture co-led by Glenn Greenwald is now live. The Intercept, an online magazine edited by Greenwald and fellow journalists Laura Poitras and Jeremy Scahill and backed by billionaire Pierre Omidyar, made its much-anticipated debut early Monday morning. Its first article was written by Greenwald and Scahill, and looked at the NSA's role in the U.S. drone strike program.

The piece was, of course, based on documents leaked by Edward Snowden. The magazine is just one of the multiple sites being created by First Look Media, the Omidyar-funded organization providing the cash for Greenwald and his colleagues.

In a blog post on the site, Greenwald, Scahill and Poitras said that The Intercept was "the first of what will be numerous digital magazines published by FLM."

Speaking to "Democracy Now" on Monday, Greenwald said that the site had launched as quickly as it did because "we feel a serious obligation to get up and running," given the many documents from Snowden that are yet to be released. He added that First Look Media was "slowly and inexorably expanding the range of topics we cover."

Scahill, who was also appearing on the program, added that recent comments by intelligence officials suggesting journalists could be "accomplices" in criminal activity for publishing classified material had also pushed the site to speed up its activities.
Note: Omidyar is CEO of Honolulu Civil Beat, which partnered with The Huffington Post to create HuffPost Hawaii. He is also on the editorial board of HuffPost's new international venture, WorldPost.

PBS, FRONTLINE, “The USA of Secrets”
The engrossing story of the post-9/11 struggle within the government over the legality of the massive electronic surveillance urged by V-P Cheney and ordered by President Bush. Focuses on the whistleblowers in the NSA and CIA who tried to stop the post-9/11 unconstitutional trawling of messages from and to US public, and the Bush and Obama administrations’ crackdown. Additional importance: explains why Snowden chose to reveal all the secret government correspondence. Since the efforts by earlier whistleblowers produced no result, several were forced to “retire,” and one was prosecuted (Drake), Snowden realized he must present the US public with massive evidence of crimes the earlier whistleblowers had exposed but had not aroused the public to resistance. Don’t miss this crucial history to our democracy; a call to the public to resist. --Dick

GOODMAN’S DEMOCRACY NOW
A PBS Frontline interview of Glenn Greenwald on Snowden’s decision to expose the government’s secret correspondence, his struggle to disseminate the information via the Guardian magazine and Greenwald and Poitras, and how and why he ended up in Russia. For a fuller account see Luke Harding’s The Snowden Files (2013) and Greenwald’s No Place to Hide (2014). Combined with the Frontline program--two-segment sequence, “The USA of Secrets”—Goodman’s interview provides a revelation of the extent to which the US government will go to shut up whistleblowers and truth-tellers, and a stirring call to public action. (Goodman uses a song by Roy Zimmerman, who has visited Fayetteville twice thanks to Kelly and Donna—“Hello NSA.”) Play it at the next Open Mic?). --Dick

Glenn Greenwald | The Snowden Saga Begins
TomDispatch, Reader Supported News, May 14, 2014
Story of the first encounters in the saga of Snowden and Greenwald/Poitras.
Greenwald concludes: "Not since Daniel Ellsberg leaked the Pentagon Papers during the Vietnam War has a trove of documents revealing the inner workings and thinking of the U.S. government so changed the conversation."
READ MORE

John Yoo Trashes Pulitzer Over Snowden Files Awards
Murtaza Hussain, Salon, Reader Supported News, April 19, 2014
Hussain reports: "How depraved and incompetent do you have to be before people in
America stop asking your opinion about things?"

CONTACT THE PRESIDENT, YOUR REPRESENTATIVES, YOUR COLLEGE (if it and the faculty are silent), buy related books (support pro-transparency and democracy publishers and book sellers), protest all who advocate or defend totalitarian methods.

From the White House: Write or Call [TAKE HIM UP ON THE OFFER. Find one official and continue to call.]

President Obama is committed to creating the most open and accessible administration in American history. That begins with taking comments and questions from you, the public, through our website.

Call the President

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Switchboard: 202-456-1414

TTY/TTD
Comments: 202-456-6213
Visitor's Office: 202-456-2121

Write a letter to the President

Here are a few simple things you can do to make sure your message gets to the White House as quickly as possible.

1. If possible, email us! This is the fastest way to get your message to President Obama.

2. If you write a letter, please consider typing it on an 8 1/2 by 11 inch sheet of paper. If you hand-write your letter, please consider using pen and writing as neatly as possible.

3. Please include your return address on your letter as well as your envelope. If you have an email address, please consider including that as well.

4. And finally, be sure to include the full address of the White House to make sure your message gets to us as quickly and directly as possible:

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1600 Pennsylvania Avenue NW
Washington, DC 20500

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5-16 Russia
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Resistance
Action: Support the USA Freedom Act
Hattem, Congress Asks Obama for Black Budgets of Federal
  Spy Agencies
US Surveillance State
Scahill and Greenwald, NSA and Assassinations
Paglen, Photos of US Intelligence Agencies
Hussain, More Secrecy Abuses
Greenwald, James Clapper, Obama’s Top Security Officer,
  Liar and Fear-Monger
Jim Hightower, NSA and Snowden
Greenwald, Poitras, Scahill: Welcome to The
  Intercept, New Online Magazine
  Dan Froomkin, Toll of Secrecy
  Terrah Baker, “The Intercept”
Chris Hedges, US Leaders Talk Democracy, Practice Repression

Contact President Obama
Contents of Nos. 8-10)

Contents Snowden Newsletter #1 (in reverse chron. order, bold type added by Dick)
(Some entries offer contexts.)
Petitions
July 13: Ellsberg, Why Snowden Had to Flee US
July 8/15: Schell, Hero Snowden vs. End of Privacy
July 5: Weisbrot, Helping Snowden
July 5: Pilger, Morales’ Plane Forced Down
June 26:  Blum, Dark History of US NSS, vs. Phillip Agee
June 24:  Lindorff, Hong Kong, China, Russia vs. Hacker USA
June 19:  Greenwald, FISA Fails Oversight
June 13:  Greenwald, Snowden, Who Is He?

Contents Snowden Newsletter #2
Snowden’s letter to German Chancellor Angela Merkel
Amy Goodman, Democracy Now: Snowden on Mass Surveillance
Snowden on Civil Rights
Ray McGovern: Snowden Wins Integrity Award
Risen and Poitras, NSA Gathers Social Connections
Rendall and McCloskey, Mainstream Media Misrepresents Muslims
Greenwald, US Hypocrisy Over Russian Amnesty for Snowden
Ridgeway and Casella, Torture
Oliver Stone, Obama and Snowden
Masters, Mainstream Media Labels Snowden a “Narcissist”

Contents Snowden Newsletter #3
PETITIONS from Roots Action
The Leaked Documents
Copy of Snowden’s Leaked Docs (from Marc)
Macaskill and Dance, What the Docs Mean
The Leaker Snowden
Weisbrot, “An American Hero”
Reitman, Snowden and Greenwald
Smale, No Treason in Trying to Stop Eavesdropping
Avaaz, Asylum for Snowden
Savage, Snowden Honored by Freedom of the Press Foundation
Contexts
McGovern, Snowden’s “Freedom” in Russia
Snowden Joins Board of Press Group Founded by Ellsberg
Sirota, Snowden’s “Freedom” in the US: Assassination?
Radyuhin, Snowden Asks Russians for Protection

Related
Borger, European Countries’ Spy Agencies and Mass Surveillance

Contents CITIZEN! Snowden Newsletter #4 April 15, 2014
Dick, OMNI Brings Ray McGovern to Fayetteville, AR, and UAF
Pulitzers to Snowden Newspapers and Journalists
Roots Action: Petition to President Obama
Watchdog, Petition to Give Snowden Nobel Peace Prize
Luke Harding, The Snowden Files
Hightower: NSA and Snowden, “Why He Matters”
Snowden, US Mass Surveillance Endangers Liberty
Richard Latimer, Necessity Defense
Maiello, Whistleblower, Immunity
Reporting Snowden in Mainstream Media, Arkansas Democrat-Gazette

END CITIZEN SNOWDEN NEWSLETTER # 5

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Dick Bennett

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