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Triste cosa es no tener amigos, pero más triste ha de ser no tener enemigos porque quién no tenga enemigos señal es de que no tiene talento que haga sombra, ni carácter que impresione, ni valor temido, ni honra de la que se murmure, ni bienes que se le codicien, ni cosa alguna que se le envidie. ***A sad thing it is to not have friends, but even sadder must it be not having any enemies; that a man should have no enemies is a sign that he has no talent to outshine others, nor character that inspires, nor valor that is feared, nor honor to be rumored, nor goods to be coveted, nor anything to be envied. -Jose Marti***

From the desk of Craig B Hulet?

Attorney General Secretly Granted Gov. Ability to Develop and Store Dossiers on Innocent Americans; Woman Imprisoned for Life for Minor Drug Offense; Banking Giant Immune to Justice for Massive Drug Laundering; Obama on Sunday pledged to put his "full weight" behind a legislative package next year aimed at containing gun violence; The Certain Virtues Of A Heavily Armed Citizenry

Beginning next month AT&T will use deep packet analysis on your internet traffic to shape what and where you can go on the internet. Reported by TorrentFreak This is getting out of hand. These common carriers have forgotten what the words "common" and "carrier" mean. The government has worked hand-in-glove with the ISPs to give them all the cover they need to do deep packet analysis of all your internet traffic. *This is going to end*. Starting today r/privacy is leaning its shoulder into AT&T and every other ISP that thinks it is their god given right to watch your internet traffic. To that we say NO. Toward that end I'm going to make this easy. People who want to do other things should do so but this is the official r/privacy advice--end of story. Go to mullvad.net Click "get started" and choose your platform Install the program Pay for it. You can use Paypay, bitcoin, or you can even mail freekin green US paper cash to Sweden if you feel you need to. It is about $7 a month.

If you see a green check mark on the mullvad icon, you're connected. You now have an OpenVPN encrypted tunnel to a server in Sweden or the Netherlands. All your ISP will see is a stream of encrypted traffic. **NO PACKET ANALYSIS FOR YOU!** (soup nazi, remember him?) Note, this isn't about making you anonymous. You *will not* be anonymous. This is about stopping the rampant packet analysis that the common carriers are engaging in and stopping them from doing it. you should get basically the same speed you're accustomed to. Your ping time may go up but that is almost never a problem unless you're gaming and you could turn off the tunnel for gaming. We are going to present them with a wall of encrypted traffic so high that they'll drown in it.

Oliver Stone to RT: 'US has become an Orwellian state'
http://rt.com/news/oliver-stone-us-orwellian-022/

Academy Award-winning director Oliver Stone (right) and historian Peter Kuznick

Published: 28 December, 2012, 20:19
US director Oliver Stone (AFP Photo / Tizina Fabi)

Americans are living in an Orwellian state argue Academy Award-winning director Oliver Stone and historian Peter Kuznick, as they sit down with RT to discuss US foreign policy and the Obama administration's disregard for the rule of law.

Both argue that Obama is a wolf in sheep's clothing and that people have forgiven him a lot because of the "nightmare of the Bush presidency that preceded him."

"He has taken all the Bush changes he basically put them into the establishment, he has codified them," Stone told RT. *"It is an Orwellian state. It might not be oppressive on the surface, but there is no place to hide. Some part of you is going to end up in the database somewhere."*

According to Kuznick, American citizens live in a fish tank where their government intercepts more than 1.7 billion messages a day. “That is email, telephone calls, other forms of communication.”

RT’s Abby Martin in the program Breaking the Set discusses the Showtime film series and book titled The Untold History of the United States co-authored by Oliver Stone and Peter Kuznick.

"Obama was a great hope for change"

RT: *It took both of you almost five years to produce this series. And in it you have a chapter called Obama: Management of a Wounded Empire. You give a harsh critique of the Obama administration. What in your eyes has been the most troubling aspect of his presidency, Oliver?*

Oliver Stone: I think under the disguise of sheep’s clothing he has been a wolf. That because of the nightmare of the Bush presidency that preceded him, people forgave him a lot. He was a great hope for change. The color of his skin, the upbringing, the internationalism, the globalism, seemed all evident. And he is an intelligent man. He has taken all the Bush changes he basically put them into the establishment, he has codified them. That is what is sad. So we are going into the second administration that is living outside the law and does not respect the law and foundations of our system and he is a constitutional lawyer, you know. Without the law, it is the law of the jungle. Nuremburg existed for a reason and there was a reason to have trials, there is a reason for due process – ‘habeas corpus’ as they call it in the United States.

RT: *Do you agree Peter?*

Peter Kuznick: I agree, if you look at his domestic policy, he did not break with the Bush administration’s policies. If you look at his transparency – he claimed to be the transparency president when he was running for office. There has not been transparency. We have been actually classifying more documents under Obama than we did under Bush. All previous presidents between 1970 and 2008 indicted three people total under Espionage Act. Obama has already indicted six people under the Espionage Act. The surveillance has not stopped, the incarceration without bringing people to trial has not stopped. So those policies have continued.

Then there are war policies, militarization policies. We are maintaining that. We are fighting wars now in Yemen, Afghanistan, we are keeping troops in Afghanistan. We have not cut back the things that we all found so odious about the Bush administration and Obama added some of his own. The drones policy – Obama had more drone attack in the first eight months than Bush had his entire presidency. And these have very dubious international legality.

OS: Peter was hopeful that the in the second term there will be some more flexibility, we hope so. But, there is a system in place, which is enormous – the Pentagon system.

RT: *It almost seems that they took the odious CIA policies and just branded them, so it is now acceptable – the assassinations, the extrajudicial executioner without the due process. It is fascinating.*

"We are all ultimately watching ourselves"

PK: We complained during Bush years that Bush was actually conducting surveillance without judiciary review. Obama is killing people, targeted assassinations without judiciary review. That to us is obviously much more serious.

RT: *You also cover Pearl Harbor, which of course led to the internment of Japanese American citizens. I do not think a lot of people acknowledge that once again underreported aspect of really what that meant. When you look at the surveillance grid in America today it almost seems like it is an open-air internment camp, where they do not need to intern people anymore because we have this grid set up in place. What do you guys think about that?*

PK: The US government now intercepts more than 1.7 billion messages a day from American citizens. That is email, telephone calls, other forms of communication. Can you imagine: 1.7 billion? We've got this apparatus set up now with hundreds of thousands of people, over a million of people with top security clearances in this kind of nightmarish state, this 1984 kind of state.

OS: One million top security clearances. That is a pretty heavy number. In other words, we are living in a fish pond and I think the sad part is that the younger people accept that. They are used to the invasion. And that is true, how can we follow the lives of everybody? But the truth is that we are all ultimately watching ourselves. It is an Orwellian state. It might not be oppressive on the surface, but there is no place to hide. Some part of you is going to end up in the database somewhere.

"US fears things,we fear the rest of the world"

PK: And it can be oppressive on the surface. One of the things we feared after 9/11 was that if there was a second serious attack like 9/11 then the constitution would be gone. The crackdown would be so outrageous at that point. And there is still this obsessive fear. The US fears things, we fear the rest of the world. We spend as much money on our military security intelligence as the rest of the world combined. Do we have enemies that we feel so threatened by? Do we really need this anymore? Is this what our priorities should be? No we think not, we want to turn that around.

RT: *The evisceration of the rule of law, especially the National Defense Authorization Act, which eradicates due process – our basic fundamental freedom in this country. I wanted to bring up another interesting point that really struck me in the film series,*

which are the kamikaze pilots. They were brave, that was the bravest act that you could do and then I can't help but think of suicide bombers today and Bill Maher, he goes out and loses his show for saying these people are brave. And you have people like Ron Paul get up there and talk about blowback as a reality and he is ridiculed. How did we get here, where the discourse is just so tongued down when we can't even acknowledge the truths such as that?

OS: Primitive of course. There has been a blind worship of the military and patriotism. I strongly believe in the strong military, but to defend our country, not to invade other countries and to conquer the world. I think there is a huge difference that has been forgotten: morality. Once you take the laws away, as Einstein once said famously, the country does not obey its laws, the laws would be disrespected. So it seems that the fundamental morality has been lost on us somewhere on the way recently and now it is what is effective. Can we kill Bin Laden without having to bring him to trial, can we just get it done? And that 'get it down' mentality justifies the ends and that is where countries go wrong, and people go wrong. All of our lives are moral equations. Does the end justify the means? No, it never did.

PK: And the other side of what you are asking is about the constraints upon political discourse in this country. Why are people so uninformed? That is what we are to deal with in the series. If people don't understand their history, then they don't have any vision of the future and what is possible. If they think what exists now – the tyranny of now – is all that is possible, then they can't dream about the future. They can't imagine the future that is different from the present. That is what I am saying – people have to understand the past because if you study the past then you can envision a future that is very different.

We came really close on many occasions to going into very different direction in the future. We came very close in 1944-1945 to avoiding atomic bombing and potentially not having the kind of Cold War that we had. We came very close in 1953 upon Stalin's death to ending the Cold War. We came close in 1963 when Kennedy was assassinated to ending the war in Vietnam, to ending the Cold War, to heading into a very different direction. Then there were the Carter years, again a possibility of a different direction. And at the end of the Cold War in 1989 Gorbachev was reaching out to Bush. Did Bush take that olive branch that Gorbachev was giving him? No, very much different. What did we do instead? We applaud the Soviets for not invading when countries were liberating themselves from the Soviet Union and then we immediately go and invade Panama and then we invade Iraq.

So we are saying that "it is great that you are showing restraint, but we are not going to because we are the hegemon." As Madeline Albright, Secretary of State under {Bill] Clinton, says "if the US uses force it's because we are the United States of America; we are the indispensable nation. We see further and stand taller than other nations." That is the attitude that Oliver and I are challenging. This sense of American exceptionalism that the US is a city on the hill, God's gift to humanity, if we do it, it is right. And that is not acceptable.

"We want the country to begin thinking about the big questions again"

OS: It is very funny because the book has been out a few weeks, series have been playing for the fifth week now. We go to TV shows, we sit in these beautiful sets and they are always rushing and rushing. They got news in Gaza, they got Obama. And they ask us what are you talking about? History? What does it have to do with today? What is your point? We sit there very patiently and it is very bizarre to me that they say the past is prologue, that is all happened before and if we are smart you will see it more calmly and won't overreact. We also argue that this kind of media is driven by dollars, the greed. You have a show and it is really not a news show, it is about rating and how you can get that – with a lot of speed, a lot of zoom and a lot of fancy sets and people watch. Goal is to keep it moving, don't think, just keep it moving.

PK: A show like this, we can actually discuss the issues at a little more depth, a little more critically.

RT: *If both of you are to make a film about this generation right now, what is one facet that you think is the most underreported or misrepresented?*

OS: I don't know about the younger generation, I have three children. I think it is an eternal story in some degree. People no matter what have a similar morality and consciousness, patterns re-emerge again and again. The young men and young women want to make their way into the world. And it is not that far off from what we went through. So I believe in cyclical history and I think my children are going through what I and my father and mother went through. I always look for those patterns first beyond the superficiality.

PK: I find that my students care very passionately about what is going on in the world. They are all doing lots of volunteer work. But what I find in this generation, like Oliver's and my generation, is that they treat the symptoms. They are not asking the questions about the root cause of all of these problems. They care, they try to change things, but it is more superficial.

What we are challenging them to do is look at the patterns. Look at what has happened from the 1890s all the way through to today. Look at the consistency of the wars, interventions, the military expenditures, the paranoia, they fear of outsiders, the oppression. And get it to the root, what is making the system as a whole sick in a certain ways and how can we root out those deeper causes.

Now that we understand that, we can begin to change that. The Occupy movement did some of that there have been times in the 1930s, 1970-80s, 1960s when people were challenging on that scale. We want the country to begin thinking about these big questions again. What is our past, how did we get here, what are the possibilities for the future, what have we done wrong and what can we get right?

RT: *Do you think these superficialities in the conventional wisdom that we hear are perpetuated to keep us in a perpetual state of war?*

PK: I don't know if it is quite so deliberate, but that seems to be the effect – dumbing down the population to the point where they cannot think critically and then you can pull anything over their eyes. They have a five-minute attention span and a five-minute memory of what happened in the past. We are saying learn your history, study it and think about what the alternatives are, think in utopian ways how different the world could be, how better it could be if we start to organize it rationally in the interest of people, not in the interest of profit, not in the interest of Wall Street, not in the interest of military, in the interest of our common humanity, the six billion of us who occupy this planet.

OS: The model of the series of The World at War, which was made by the BBC in the 1970s about WWII. Ours are 10 feature films, cut with care, an hour each, pure narration, music, and sometimes clips of films that make our point or don't make our point. Either way we try to keep it flowing like a young person could enjoy it like a movie, I am glad you did.

Mass Media
Top Journalists Expose Major Mass Media Cover-ups

The riveting excerpts below from the revealing accounts of 20 award-winning journalists in the highly acclaimed book Into the Buzzsaw are essential reading for all who support democracy. These courageous writers were prevented by corporate ownership of the mass media from reporting major news stories. Some were even fired. They have won numerous awards, including several Emmys and a Pulitzer. Help build a brighter future by spreading this news. For a two-page summary of this mass media information, click here.

Jane Akre *spent 20 years as a network and local TV reporter for news and mass media operations throughout the country. She and her husband, investigative reporter Steve Wilson, were awarded the Goldman Environmental Prize for their struggle with mass media ownership related here.*

By February 1997 our story was ready to air. It attempted to answer some troubling questions: Why had Monsanto sued two small dairies to prevent them from labeling their milk as coming from cows *not* injected with [growth hormone rBGH]? Why had two Canadian health regulators claimed that their jobs were threatened – and then said Monsanto offered them a bribe to give fast-track approval to the drug? Why did Florida supermarkets break their much-publicized promise that milk in the dairy case would *not* come from hormone-treated cows? And why was the US the only major industrialized nation to approve this controversial genetically engineered hormone? (p. 211)

Station managers were so proud of our work that they saturated virtually every Tampa Bay radio station with thousands of dollars' worth of ads urging viewers to watch what we'd uncovered about "The Mystery in Your Milk." But then, our Fox managers' pride turned to panic. [Monsanto lawyer] John Walsh wrote that some points of the story "clearly contain the elements of defamatory statements which, if repeated in a broadcast, could lead to serious damage to Monsanto and *dire consequences* for Fox News." (pp. 211-213)

It was not long after our [unsuccessful] struggle to air an honest report had begun that Fox fired both the news director and the general manager. The new general manager, Dave Boylan, explained that if we didn't agree to changes that Monsanto and Fox lawyers were insisting upon, we'd be fired for insubordination within 48 hours. We pleaded with Dave to look at the facts we'd uncovered, many of which conclusively disproved Monsanto's claims. We reminded him of the importance of the facts about a basic food most of our viewers consume and feed to their children daily. His reply: "We paid $3 billion dollars for these TV stations. We'll tell *you* what the news is. The news is what *we* say it is!" Steve [the author's husband and coworker] was firm but respectful when he made it clear we would neither lie nor distort any part of the story. (pp. 213-215)

[The Dairy Coalition's director] took great pride in bragging that the Coalition "snowed the station with paperwork and pressure to have the story killed." Fox threatened our job every time we resisted the dozens of changes that would sanitize the story and fill it with lies and distortions. [Fox lawyer] Forest finally leveled with us. "You guys don't get it. It doesn't matter whether the facts are true. This story isn't worth a couple of hundred thousand dollars to go up against Monsanto." (pp. 217, 218)

Fox's general manager presented us with an agreement that would give us a full year of salaries and benefits worth $200,000 in no-show "consulting jobs," but with strings attached: no mention of how Fox covered up the story and no opportunity to ever expose the facts Fox refused to air. We turned down this second hush money offer. We were both finally fired, allegedly for "no cause." (p. 219)

The controversy over rBGH has traveled recently to Canada and the European Union, both of which decided to reject the drug for use in those countries. (p. 236)

For a revealing 10-minute video clip of this astounding case, click here. For updates on their lawsuit, see the Ms. Akre and Mr. Wilson's website at http://www.foxbghsuit.com.

Dan Rather *[was] the anchor and managing editor of CBS Evening News and correspondent for 60 Minutes II. In his more than 30 years at CBS, he received almost every honor in broadcast journalism, including several Emmy Awards, a Peabody*

Award, and citations from scholarly, professional, and charitable organizations. This is an excerpt from an interview originally aired on BBC Newsnight on May 16, 2002.

Access was extremely limited to the press during the time of September 11th, and ever since then [has been] limited in a way that is unprecedented in American journalism. There was a full understanding of why access was so limited during that time. [However] in the weeks and months that followed September 11th, the federal government began to take an unprecedented attitude about the access of American journalists to the war. What's particularly troubling is that what's being done is in direct variance with the Pentagon's stated policy [of] maximum access and maximum information consistent with national security. What's going on is a belief that you can manipulate communicable trust between the leadership and the led. The way you do that is you don't let the press in anywhere (p. 36-38).

Access to the [Iraq] war is extremely limited. The fiercer the combat, the more the access is limited, [including] access to information. I would say that overwhelmingly the limiting of access to information has much more to do with the determination to be seen as conducting the war errorlessly than it does with any sense of national security (p. 40).

None of us in journalism have asked questions strongly enough about limiting access and information for reasons other than national security. It's unpatriotic not to ask questions. Anybody in American journalism who tells you that he or she has not felt this pressure [not to ask tough questions] is either kidding themselves or trying to deceive you (p. 39-40)

What we're talking about here is a form of self-censorship. Self-censorship is a real and present danger to journalists at every level and on a lot of different kinds of stories. Before the war, before September 11th, fear ruled every newsroom in the country in some important ways – fear if we don't dumb it down, if we don't tart it up, if we don't go to the trivial at the expense of the important, we're not going to be publishing a newspaper or magazine. We're not going to be on the air. The ratings will eat us up. (p. 41-42).

There was a time in South Africa when people would put flaming tires around people's necks if they dissented. In some ways the fear [now in the U.S.] is that you'll have a flaming tire of lack of patriotism put around your neck. It's that fear that keeps journalists from asking the tough questions. And I am humbled to say, I do not except myself from this criticism (p. 42).

For a BBC press release of this May 16, 2002 interview, click here.

Monika Jensen-Stevenson *is a former Emmy-winning producer for* 60 Minutes. *The Vietnam Veterans Coalition awarded her the Vietnam Veterans National Medal.*

Marine Private Robert R. Garwood – fourteen years a prisoner of the communist Vietnamese – was found guilty of collaboration with the enemy in the longest court-martial in United States history. I first heard of Garwood in 1979. Wire reports referred to him as a defector whom the US government was charging with being a traitor. At the end of the court-martial, there seemed no question that Garwood was a monstrous traitor. (pp. 255, 256)

In 1985, Garwood was speaking publicly about something that had never made the news during his court-martial. The *Wall Street Journal* reported he said that he knew firsthand of other American prisoners in Vietnam long after the war was over. He was supported by Vietnam combat veterans whose war records were impeccable. These veterans told a story vastly different from what was made public during the court-martial and one that was intimately tied to another *60 Minutes* story I was working on – "Dead or Alive?" The title referred to Vietnam POW/MIAs [Prisoners Of War/Missing In Action]. (p. 256)

My sources included outstanding experts like former head of the Defense Intelligence Agency General Eugene Tighe and returned POWs like Captain Red McDaniel, who held the Navy's top award for bravery, had commanded the aircraft carrier *Lexington*, and was director of liaison on Capitol Hill for the Navy and Marine Corps. With such advocates providing back up, it was hard not to consider the possibility that prisoners (some 3,500) had in fact been kept by the Vietnamese communists as hostages to make sure the US would pay the more than $3 billion in war reparations that Nixon had promised before his fall from grace. Particularly compelling was the fact that of the 300 prisoners known to be held in Laos, not one was released for homecoming in 1973. (p. 256)

Initially held back to ensure the US would fulfill its secret promise to pay reparation monies, by 1979 American POWs had become worthless pawns. The US had not paid the promised monies and had no intention of paying in the future. (p. 263)

Ms. Jensen-Stevenson's book on this topic, *Kiss the Boys Goodbye*, is available at amazon.com.

Kristina Borjesson *has been an independent producer and writer for almost 20 years. Among her many accomplishments besides editing this volume, she worked at CBS network where she won an Emmy and a Murrow Award for her investigative reporting on "CBS Reports: Legacy of Shame" with Dan Rather and Randall Pinkston.*

You don't choose to have the kind of experience I had while trying to report on the demise of TWA Flight 800. You fall into it. At CBS, I'd recently picked up an Emmy for investigative reporting when I was assigned to investigate the crash. I had no idea that my life would be turned upside down and inside out – that I'd be assigned to walk into what I now call "the buzzsaw." (p. 284)

The buzzsaw is what can rip through you when you try to investigate or expose anything this country's large institutions – be they corporate or government – want kept under wraps. The system fights back with official lies, disinformation, and stonewalling. Your phone starts acting funny. Strange people call you at strange hours to give you strange information. The FBI calls you. Your car is broken into and the thief takes your computer and your reporter's notebook and leaves everything else behind. You feel like you're being followed everywhere you go. (p. 284)

Pierre Salinger announced to the world on November 8, 1996, that he'd received documents from French intelligence proving that a US Navy missile had accidentally downed [TWA Flight 800]. That same day, FBI's Jim Kallstrom called a press conference to deny Salinger's allegations. [At the press conference,] Kallstrom rattled off a prepared speech, and then it was time for questions. A man raised his hand and asked why the Navy was involved in the recovery and investigation while a possible suspect. Kallstrom's response was immediate; "Remove him!" he yelled. Two men leapt over to the questioner and grabbed him by the arms. There was a momentary chill in the air after the guy had been dragged out of the room. Kallstrom acted as if nothing had happened. (pp. 290, 291)

A few weeks after the FBI's visit to CBS, I received my walking papers. Law enforcement consultant Paul Ragonese eventually got his walking papers, too. Ragonese was replaced by none other than the FBI's TWA 800 task force chief, James Kallstrom. (p. 307)

Ms. Borjesson compiled *Into the Buzzsaw*, the book from which this summary as made.

Greg Palast *writes for the* Guardian *and* Observer *newspapers of London and reports for the BBC's* Newsnight. *Palast abandoned hopes of working in America when mainstream press failed to report on his groundbreaking exposes known for stripping bare abuses.*

In the months leading up to the November [2000] balloting, Florida Governor Jeb Bush and his secretary of state, Katherine Harris, ordered local elections supervisors to purge 58,000 voters from registries on the grounds they were felons not entitled to vote in Florida. As it turns out, only a handful of these voters were felons. The voters were [about 54%] African Americans, and most of the others were white and Hispanic Democrats. [Several] weeks after the election, this extraordinary news ran on page one of the country's leading paper. Unfortunately, it was in the wrong country: Britain. In the USA, it was not covered. It was given big network TV coverage. But again, it was on the wrong continent – on BBC TV, London. (pp. 195, 196)

The office of the governor [also] illegally ordered the removal of felons from the voter rolls – *real felons* – but with the right to vote under Florida law. As a result, *50,000* of

these voters could not vote. The fact that 90% of these voters were Democrats should have made it news because this maneuver alone more than accounted for Bush's victory. (pp. 197-200)

In February 2001, I took my BBC film crew to Florida, having unearthed a page marked "secret" and "confidential" from the company the state had hired to make up the list of names to purge from voter rolls. I took my camera crew into an agreed interview with Jeb Bush's director of the Department of Elections. When I pulled out the confidential sheet, Bush's man ripped off the microphone and did the fifty-yard dash, locking himself in his office, all in front of our cameras. It was killer television and wowed the British viewers. We even ran a confession from the company. Newsworthy for the USA? Apparently not. (pp. 202, 203)

A group of well-placed sources told my BBC team that before Sept. 11th the US government had turned away evidence of Saudi billionaires funding bin Laden's network. We got our hands on documents that backed up the story that FBI and CIA investigations had been slowed by the Clinton administration, then killed by Bush Jr.'s. The story made top of the news – in Britain. In the US, one TV reporter picked up the report. He was called, he says, by network chiefs, and told to go no further. He didn't. (p. 205)

For Mr. Palast's website, see http://www.gregpalast.com.

Michael Levine *is a 25-year veteran of the DEA turned best-selling author and journalist. His articles and interviews on the drug war have been published in numerous national newspapers and magazines, including the* New York Times, Los Angeles Times, USA Today, *and* Esquire.

When Nixon first declared war on drugs in 1971, there were fewer than 500,000 hard-core addicts in the nation, most of whom were addicted to heroin. Three decades later, despite the expenditure of $1 trillion in tax dollars, the number of hard-core addicts is shortly expected to exceed five million. Our nation has become the supermarket of the drug world, with a wider variety and bigger supply of drugs at cheaper prices than ever before. The problem now not only affects every town on the map, but it is difficult to find a family anywhere that is not somehow affected. (pp. 158, 159)

The Chang Mai factory the CIA prevented me from destroying was the source of massive amounts of heroin being smuggled into the US in the bodies and body bags of GIs killed in Vietnam. (p. 165)

My unit, the Hard Narcotics Smuggling Squad, was charged with investigating all heroin and cocaine smuggling through the Port of New York. My unit became involved in investigating every major smuggling operation known to law enforcement. We could not

avoid witnessing the CIA protecting major drug dealers. Not a single important source in Southeast Asia was ever indicted by US law enforcement. This was no accident. Case after case was killed by CIA and State Department intervention and there wasn't a damned thing we could do about it. CIA-owned airlines like Air America were being used to ferry drugs throughout Southeast Asia, allegedly to support our "allies." CIA banking operations were used to launder drug money. (pp. 165, 166)

In 1972, I was assigned to assist in a major international drug case involving top Panamanian government officials who were using diplomatic passports to smuggle large quantities of heroin and other drugs into the US. The name Manuel Noriega surfaced prominently in the investigation. Surfacing right behind Noriega was the CIA to protect him from US law enforcement. As head of the CIA, Bush authorized a salary for Manuel Noriega as a CIA asset, while the dictator was listed in as many as 40 DEA computer files as a drug dealer. (pp. 166, 167)

The CIA and the Department of State were protecting more and more politically powerful drug traffickers around the world: the Mujihadeen in Afghanistan, the Bolivian cocaine cartels, the top levels of Mexican government, Nicaraguan Contras, Colombian drug dealers and politicians, and others. Media's duties, as I experienced firsthand, were twofold: first, to keep quiet about the gush of drugs that was allowed to flow unimpeded into the US; second, to divert the public's attention by shilling them into believing the drug war was legitimate by falsely presenting the few trickles we were permitted to indict as though they were major "victories," when in fact we were doing nothing more than getting rid of the inefficient competitors of CIA assets. (pp. 166, 167)

On July 17, 1980, drug traffickers actually took control of a nation. Bolivia at the time [was] the source of virtually 100% of the cocaine entering the US. CIA-recruited mercenaries and drug traffickers unseated Bolivia's democratically elected president, a leftist whom the US government didn't want in power. Immediately after the coup, cocaine production increased massively, until it soon outstripped supply. This was the true beginning of the crack "plague." (pp. 167, 168)

The CIA along with the State and Justice Departments had to combine forces to protect their drug-dealing assets by destroying a DEA investigation. How do I know? I was the inside source. I sat down at my desk in the American embassy and wrote the kind of letter that I never myself imagined ever writing. I detailed three pages typewritten on official US embassy stationary—enough evidence of my charges to feed a wolf pack of investigative journalists. I also expressed my willingness to be a quotable source. I addressed it directly to Strasser and Rohter, care of *Newsweek.* Two sleepless weeks later, I was still sitting in my embassy office staring at the phone. Three weeks later, it rang. It was DEA's internal security. They were calling me to notify me that I was under investigation. I had been falsely accused of everything from black-marketing to having sex with a married female DEA agent. The investigation would wreak havoc with my life for the next four years. (pp. 168-171)

In one glaring case, an associate of mine was sent into Honduras to open a DEA office in Tegucigalpa. Within months he had documented as much as 50 tons of cocaine being smuggled into the US by Honduran military people who were supporting the Contras. This was enough cocaine to fill a third of US demand. What was the DEA response? They closed the office. (p. 175)

Sometime in 1990, US Customs intercepted a ton of cocaine being smuggled through Miami International Airport. A Customs and DEA investigation quickly revealed that the smugglers were the Venezuelan National Guard headed by General Guillen, a CIA "asset" who claimed that he had been operating under CIA orders and protection. The CIA soon admitted that this was true. If the CIA is good at anything, it is the complete control of American mass media. So secure are they in their ability to manipulate the mass media that they even brag about it in their own in-house memos. The *New York Times* had the story almost immediately in 1990 and did not print it until 1993. It finally became news that was "fit to print" when the *Times* learned that *60 Minutes* also had the story and was actually going to run it. The highlight of the *60 Minutes* piece is when the administrator of the DEA, Federal Judge Robert Bonner, tells Mike Wallace, "There is no other way to put it, Mike, [what the CIA did] is *drug smuggling*. It's *illegal* [author's emphasis]." (pp. 188, 189)

The fact is – and you can read it yourself in the federal court records – that seven months *before* the attempt to blow up the World Trade Center in 1993, the FBI had a paid informant, Emad Salem, who had infiltrated the bombers and had told the FBI of their plans to blow up the twin towers. Without notifying the NYPD or anyone else, an FBI supervisor "fired" Salem, who was making $500 a week for his work. After the bomb went off, the FBI hired Salem back and paid him $1.5 million to help them track down the bombers. But that's not all the FBI missed. When they finally did catch the actual bomber, Ramzi Yousef (a man trained with CIA funds during the Russia-Afghanistan war), the FBI found information on his personal computer about plans to use hijacked American jetliners as fuel-laden missiles. The FBI ignored this information, too. (p. 191)

Learn about Mr. Levine's books and radio show at http://www.expertwitnessradio.org.

Gary Webb *was an investigative reporter for 19 years. He was one of six reporters to win a 1990 Pulitzer Prize for reporting on northern California's 1989 earthquake. He also received the 1997 Media Hero award, and in 1996 was named Journalist of the Year by the Bay Area Society of Professional Journalists. He worked on several newspapers until being forced out of his job after the* San Jose Mercury News *retracted their support for the* Dark Alliance *story discussed below.*

In 1996, I wrote a series of stories, entitled *Dark Alliance*, that began this way: For the better part of a decade, a Bay Area drug ring sold tons of cocaine to the Crips and Bloods

street gangs of LA and funneled millions in drug profits to a Latin American guerilla army run by the CIA. The cocaine that flooded in helped spark a crack explosion in urban America. It is one of the most bizarre alliances in modern history – the union of a US-backed army attempting to overthrow a socialist government and the Uzi-toting "gangstas" of Los Angeles. (p. 143)

In December 1995, I wrote a lengthy memo to my editors, advising them of what my Nicaraguan colleague and I had found: With the help of recently declassified documents, FBI reports, DEA undercover tapes, as well as interviews with some of the key participants, we will show how a CIA-linked drug and stolen car network provided weapons and tons of high-grade, dirt cheap cocaine to the very person who spread crack through LA and from there into the hinterlands. A bizarre bond between an elusive CIA operative and a brilliant car thief from LA's ghettos touched off a social phenomenon – crack and gang-power – that changed our lives. The day these two men met was literally ground zero for California's crack explosion. This is also the story of how an ill-planned foreign policy adventure – the CIA's "secret" war in Nicaragua – boomeranged back to the streets of America, in the long run doing more damage to us than to our "enemies" in Central America. We have compelling evidence that the kingpins of this cocaine ring enjoyed a unique relationship with the US government that has continued to this day. (pp. 145-146)

The story was developing a political momentum all of its own, and it was happening despite a virtual news blackout from the mass media. Ultimately, it was public pressure that forced the national newspapers into the fray. In Washington, black media outlets were ridiculing the *Post* for its silence. [In] October and November, the *Washington Post*, *New York Times*, and *Los Angeles Times* published lengthy stories about the CIA drug issue, but spent precious little time exploring the CIA's activities. Instead, my reporting and I became the focus of their scrutiny. The official conclusion reached by all three papers: Much ado about nothing. No story here. The series was "flawed." It was remarkable [*Mercury News* editor] Ceppos, wrote, that the four *Post* reporters assigned to debunk the series "could not find a single significant factual error." (pp. 149-152)

At my editor's request, I wrote another series following up on the first three parts: a package of four stories to run over two days. They never began to edit them. Instead, I found myself involved in hours-long conversations with editors that bordered on surreal. A few months later, the *Mercury News* officially backed away from *Dark Alliance*, publishing a long column by Jerry Ceppos apologizing for "shortcomings" in the series. The *New York Times* hailed Ceppos for setting a brave new standard for dealing with "egregious errors" and splashed his apology on their front page, the first time the series had ever been mentioned there. I quit the *Mercury News* after that. (p. 153)

The CIA's knowledge and involvement had been far greater than I'd ever imagined. Agents and officials of the DEA had protected the traffickers from arrest, something I'd not been allowed to print. At the start of the Contra war, the CIA and Justice Department had worked out an unusual agreement that permitted the CIA not to have to report

allegations of drug trafficking by its agents to the Justice Department. It was a curious loophole in the law, to say the least. (p. 154)

The *Mercury News* had broken the rules and used the Internet to get in by the back door, leaving the big papers momentarily embarrassed. It forced them to readdress an issue they'd much rather have forgotten. By turning on the *Mercury News*, the big boys were reminding the rest of the flock who really runs the newspaper business, Internet or no Internet, and the extent to which they will go to protect that power, even if it meant rearranging reality to suit them. (p. 155)

Do we have a free press today? Sure we do. It's free to report all the sex scandals it wants, all the stock market news we can handle, every new health fad that comes down the pike, and every celebrity marriage or divorce that happens. But when it comes to the real down and dirty stuff – stories like Tailwind, the October Surprise, the El Mozote massacre, corporate corruption, or CIA involvement in drug trafficking – that's where we begin to see the limits of our freedoms. In today's mass media environment, sadly, such stories are not even open for discussion. Back in 1938, when fascism was sweeping Europe, legendary investigative reporter George Seldes observed that "it *is* possible to fool all the people all the time – when government and press cooperate." Unfortunately, we have reached that point. (p. 156)

See Mr. Webb's riveting book *Dark Alliance* on amazon.com. He was found dead in December 2004. It was strangely declared a suicide even though public reports stated that he had not one, but two bullets in his head.

John Kelly *is first author with Phillip Wearne of* Tainting Evidence: Inside the Scandals at the FBI Crime Lab, *which was nominated for a Pulitzer Prize. It is the first, and to date, the only, contemporaneous critical account of the FBI to be published by a mainstream publisher. He is also an independent investigative producer. He is the former editor and senior writer for the* National Reporter, *a publication specializing in reporting on the CIA.*

According to the Central Intelligence Agency itself, as reported by the House Intelligence Committee, "The Clandestine Service of the CIA is the only part of the Intelligence Community, indeed of government, where hundreds of employees on a daily basis are directed to break extremely serious laws in countries around the world. A safe estimate is that several hundred times every day (easily 100,000 times a year), officers engage in highly illegal activities." (pp. 115, 116)

The national security of the United States requires that more than 100,000 extremely serious crimes be committed every year. The [House Intelligence] Committee expressed no legal or ethical concerns about these crimes. The committee indicated that it did not

matter that laws were broken because they were laws of other countries. The CIA [is] committing crimes against humanity with *de facto* impunity and Congressional sanctioning. (pp. 116, 117)

Government documents, including CIA reports, show that the CIA's crimes include terrorism, assassination, torture, and systematic violations of human rights. The documents show that these crimes are part and parcel of deliberate CIA policy. The report notes that CIA personnel are "directed" to commit crimes. (p. 117)

CIA documents show that the CIA created, trained, and armed death squads in Guatemala as part of its coup and destabilization of the democratically elected government in 1954. In Honduras, the CIA's own inspector general reported that paid CIA assets at the highest level created and ran a death squad which, according to the Honduran government, murdered at least 184 people. The House Intelligence Committee's only concern regarding these brutal CIA informants and other CIA offenders was that they might be arrested and prosecuted. The committee did not advise the CIA to cease or limit its lawlessness. The Senate Intelligence Committee proposed a bill that would immunize CIA offenders who violate treaties and international agreements while following orders. The bill passed both houses of Congress and was signed into law by President Bill Clinton on December 27, 2000. (pp. 117-118)

[This law] means that the Constitution does not apply to the CIA or any US intelligence personnel. Why? Because the constitution provides that all treaties are the *supreme law of the land.* Not just law, but the *supreme law* – no exceptions. There was not a peep from the mass media about any of this even though such a story would not have affected corporate sponsorship or profits. (pp. 119)

The intelligence committees recommended that the "aggressive recruitment" of "terrorist informants who have human rights violations in their background" be "one of the highest priorities." Within months of instituting the guidelines, incoming CIA director George Tenet assured Congress that not a single unsavory applicant had been rejected. (pp. 120, 121)

Former ambassador Robert White wrote that Manuel Noriega of Panama, Colonel Julio Alpirez of Guatemala, General Gustavo Alvarez Martinez of Honduras, Colonel Nicolas Carranza of El Salvador, and Emmanuel Constant of Haiti, all major human rights abusers, were CIA informants who "enjoyed profitable contractual arrangements with the CIA not because they were particularly important sources of information, but because they served as paid agents of influence who promoted actions or policies favored by the CIA in that country." (p. 122)

Former CIA General Counsel Sporkin revealed that the CIA, not the president, creates findings to fit preordained covert operations and sends the findings to the president for his signature. (p. 126, 127)

There is next to no meaningful coverage ever of the CIA in the mainstream media, let alone analysis. The few exceptions prove the rule. In 1984, I was involved in one such exception. ABC hired me to help produce a story about an investment firm in Hawaii that was heavily involved with the CIA. I had earlier provided the same story to BBC's *Newsnight*, which aired it. The story was fully documented, and nobody, including the CIA, was able to disprove the charges. Part of the report charged that the CIA had plotted to assassinate an American, Ron Rewald, the president of [the investment firm]. The ABC report provoked a brutal response from the CIA. The CIA demanded a full retraction without providing any counterproof other than their denial. (pp. 130, 131)

At the center of the uproar was Scott Barnes who said on camera that the CIA had asked him to kill Rewald. After the show aired, CIA officials met with *ABC News* executive David Burke. They presented no evidence to counter the charges made in the program. Nonetheless, Burke was sufficiently impressed "by the vigor with which they made their case" to order an on-air "clarification" in which Peter Jennings acknowledged the CIA's position but stood by the story. But that was not good enough. [CIA Director William] Casey called ABC Chairman Leonard H. Goldenson. The call led to three meetings between ABC officials and Stanley Sporkin, CIA general counsel. On November 21, 1984, despite all the documented evidence presented in the program, Peter Jennings reported that ABC could no longer substantiate the charges, and that "We have no reason to doubt the CIA's denial." He presented no evidence supporting the CIA's position. (pp. 131, 132)

That same day, the CIA filed a formal complaint with the FCC, written by Sporkin and signed by [CIA Director] Casey, charging that ABC had "deliberately distorted" the news. Casey asked that ABC be stripped of its TV and radio licenses. This was the first time in the history of the country that a government agency had formally attacked the press. Yet, there was no uproar. (p. 132)

During this time, Capital Cities Communications was maneuvering to buy ABC. [CIA Director] Casey was one of the founders of Cap Cities. Cap Cities bought ABC for $3.5 billion, which was called a "bargain rate" by the trade media. Besides Casey, two other founders of Cap Cities had extensive ties to the intelligence community. Within months, the entire investigative unit [of ABC] was dispersed, and the commentator on the Rewald program was assigned to covering beauty pageants. Needless to say, my contract was not renewed. (pp. 132, 122)

For Mr. Kelly's book *Tainting Evidence: Inside the Scandals at the FBI Crime Lab*,see amazon.com.

Carl Jensen, Ph.D., *founder and director emeritus of Project Censored, America's longest running research project on mass media censorship, has been involved with the*

media for more than 50 years as a daily newspaper reporter, weekly newspaper publisher, public relations practitioner, advertising executive, educator, and author. Jensen is author of the 1990-1996 annual Project Censored yearbooks, Censored: The News That Didn't Make the News … and Why. *He has won numerous awards for his work.*

There were 50 major media corporations in 1993, and now there are only about half a dozen. Corporate socialization has been exacerbated by the multibillion-dollar mergers that created international giants such as AOL Time Warner, Disney, General Electric, News Corporation, and Viacom. (pp. 425-428)

Shortly after the outbreak of the First Terrorist War of the 21st Century, I was reminded of what US Senator Hiram Johnson said during World War I: "The first casualty when war comes, is truth." Post-September 11, 2001, the free flow of information in America is slowing to a carefully monitored trickle. The president of the US says he can only trust eight members of Congress. The attorney general admonishes Congress to pass the controversial Anti-Terrorism Act without debate. The national security adviser cautions TV networks not to broadcast press conferences with Taliban leaders because they may contain hidden messages. The military tells the press this is a "different war" and thus it can't observe the 1992 agreement allowing the media more access to information. The president's press secretary warns the media and all Americans to watch what they say and watch what they do. These are ominous signs for democracy. (pp. 432, 433)

In the same way that we survived Pearl Harbor, we will survive the Sept. 11 terrorist attack. In the meantime, let us not be terrorized into giving up any of our constitutionally guaranteed rights. (p. 434)

Click here for the excellent mass media censorship website Prof. Jensen founded.

Robert McChesney *has written or edited seven books and is currently research professor at the Institute of Communications Research at the University of Illinois. He has made more than 500 radio and TV appearances and has been the subject of nearly 50 published interviews.*

Professional journalism had three distinct biases built into it, biases that remain to this day. First, it regarded anything done by official sources, for example, government officials and prominent public figures, as the basis for legitimate news. Second, professional journalism posited that there had to be a news hook or a news peg to justify a news story. [This] helped to stimulate the birth and rapid rise of the public relations (PR) industry. Surveys show that PR accounts for anywhere from 40 to 70 percent of what appears as news. The third bias is that [professional journalism] smuggles in values conducive to the commercial aims of the owners and advertisers as well as the political

aims of the owning class. The affairs of government are subjected to much closer scrutiny than the affairs of big business. The genius of professionalism in journalism is that it tends to make journalists oblivious to the compromises with authority they routinely make. (pp. 440, 441)

Professional journalism equates the spread of "free markets" with the spread of democracy. To the US elite, however, democracy tends to be defined by their ability to maximize profit in a nation, and that is, in effect, the standard of professional journalism. (p. 442)

[There] is the striking consolidation of the mass media from hundreds of significant firms to an integrated industry dominated by less than ten enormous transnational conglomerates and rounded out by no more than another fifteen very large firms. The first tier giants include AOL Time Warner, Disney, Viacom, News Corporation, Bertelsmann, Vivendi Universal, Sony, AT&T, and General Electric. The nine or ten largest media conglomerates now almost all rank among the 300 largest firms in the world; in 1965, there were barely any media firms among the five hundred largest companies in the world. (p. 444)

The largest ten media firms own all the US TV networks, most of the TV stations in the largest markets, all major film studios, all major music companies, nearly all of the cable TV channels, much of the book and magazine publishing [industry], and much, much more. The logic of mass media industries is that a firm can no longer compete if it is not part of a larger conglomerate. General Electric's NBC is the only commercial TV network that does not own a major Hollywood film studio. (pp. 444, 445)

Expensive investigative journalism – especially that which goes after powerful corporate or national security interests – is discouraged. Largely irrelevant human interest/tragedy stories get the green light for extensive coverage. These are cheap, easy to cover, and they never antagonize those in power. The mass media companies claim they are responding to demand. (p. 445)

Throughout the 1980s and 1990s, real income declined or was stagnant for the lower 60 percent, while wealth and income for the rich skyrocketed. By 1998, discounting home ownership, the top 10 percent of the population claimed 76 percent of the nation's net worth. More than half is accounted for by the richest 1 percent. The *Washington Post* has gone so far as to describe ours as a nearly "perfect economy," which [reveals] the vantage point of the corporate news media. And it does appear more and more perfect the higher one goes up the socioeconomic ladder. (pp. 447, 448)

The rate of incarceration has more than doubled since the late 1980s. The US now has five times more prisoners per capita than Canada and seven times more than the whole of Western Europe. The US has 5 percent of the world's population and 25 percent of the world's prisoners. Nearly 90 percent of prisoners are jailed for nonviolent offenses, often casualties of the so-called drug war. It is a debate among Democrats and Republicans over who can be "tougher" on crime, hire more police, and build more prisons. Almost

overnight, the prison-industrial complex has become a big business and a powerful lobby for public funds. (p. 448)

In the year 2000, a Texas man received 16 years in prison for stealing a Snickers candy bar, while four executives at Hoffman-LaRoche were found guilty of conspiring to suppress and eliminate competition in the vitamin industry in what the Justice Department called perhaps the largest criminal antitrust conspiracy in history. The four executives were fined anywhere from $75,000 to $350,000. They received prison terms ranging from three all the way up to four months. (p. 449)

The propagandistic nature of the war coverage was made crystal clear by AOL Time Warner's CNN a few weeks after the war began in Afghanistan. CNN president Walter Isaacson authorized CNN to provide two different versions of the war: a more critical one for the global audience and a sugarcoated one for Americans. Isaacson instructed the domestic CNN to be certain that any story that might undermine support for the US war be balanced with a reminder that the war on terrorism is a response to the heinous attacks of September 11. (p. 452)

We need to press for the overhaul of the media system, so that it serves democratic values rather than the interests of capital. The US media system has nothing to do with the wishes of the Founding Fathers and even less to do with the workings of some alleged free market. To the contrary, the media system is the result of laws, government subsidies, and regulations made in the public's name, but made corruptly behind closed doors without the public's informed consent. The largest media firms are all built on top of the profits generated by government gifts of monopoly rights. It is impossible to conceive of a better world with a media system that remains under the thumb of Wall Street and Madison Avenue, under the thumb of the owning class. It is nearly impossible to conceive of a better world without some changes in the media status quo. We have no time to waste. (p. 453)

For several books Prof. McChesney has written or edited, see amazon.com.

Conference committee drops ban on indefinite detention of Americans

By JOSH GERSTEIN |

12/18/12

A Congressional conference committee has dropped a provision the Senate passed earlier this year which proponents said would keep American citizens arrested on U.S. soil from being detained indefinitely under the laws of war.

Senate Armed Services Committee Chairman Carl Levin (D-Mich.) announced the removal of Sen. Dianne Feinstein's indefinite detention amendment Tuesday afternoon as he described the results of a House-Senate conference on the 2013 National Defense Authorization Act.

"The language of the Senate bill was dropped," Levin told reporters, according to POLITICO Pro's Juana Summers. He said that provision and language the House proposed was replaced with language that indicates that last year's NDAA shouldn't be interpreted to preclude Habeas Corpus suits by persons detained in the U.S.

Levin declined to comment on the reasons for or the import of the decision. "Basically, I won't interpret that any further," he added.

Levin and some other senators had argued that the amendment Feinstein put forward to require explicit Congressional authorization for any detention of Americans on U.S. soil would have no real effect because courts had interpreted Congress's 2001 Authorization for the Use of Military Force as granting authority for detention. However, notwithstanding Levin's position, the AUMF does not explicitly grant that authority.

Feinstein's amendment passed, 67-29, late last month. The California Democrat said it would keep Americans from being held under the laws of war, unless they were captured overseas.

“I was saddened and disappointed that we could not take a step forward to ensure at the very least American citizens and legal residents could not be held in detention without charge or trial. To me that was a no-brainer," Feinstein said in a statement Tuesday afternoon.

The White House threatened a veto of both the Senate and House versions of the NDAA before Feinstein's amendment was added to the legislation. Obama's aides objected to a variety of items in the bill, including weapons programs the administration did not request and language limiting transfers of prisoners from Guantanamo.

The credibility of the veto threat was shaky from the git-go, however, since Obama's White House issued a similar threat a year ago but later signed that bill with minor modifications.

A White House spokesman had no comment Tuesday afternoon on whether the president was satisfied with the conferenced version of this year's bill.

Sen. John McCain (R-Ariz.) said Tuesday he hoped the changes to the 2013 measure would be sufficient to win Obama's signature.

“You’ll have to ask them, but again, I can’t predict what they will do. I think we made some significant changes, we worked very closely with Sec. Panetta and the Pentagon. It wasn’t as if we were doing all these things on our own," McCain told Summers.

Asked if he expected the president to sign NDAA, McCain replied: “I hope he will. I hope he will. Last year they issued a signing statement, as you know, that basically said it ignores certain provisions of the bill, and he signed it. I hope that he understands the balance.”

A lobbyist for the American Civil Liberties Union, Chris Anders, said a variety of groups who favor closing Guantanamo are urging Obama to veto the legislation.

"This is the time for the president to decide what he wants his legacy to be on closing Guantanamo," Anders said. "If the president signs an additional one-year restriction on transfers out of Guantanamo, it's going to make it difficult if not impossible to close Guantanamo during his presidency. This is a key decision point for the president."

Anders called the language on indefinite detention of Americans "completely meaningless." He said there's no doubt that habeas rights are available to anyone who's detained in the U.S.

NDAA Indefinite Detention Provision Mysteriously Stripped From Bill

WASHINGTON -- Congress stripped a provision Tuesday from a defense bill that aimed to shield Americans from the possibility of being imprisoned indefinitely without trial by the military. The provision was replaced with a passage that appears to give citizens little protection from indefinite detention.

The amendment to the National Defense Authorization Act of 2013 was added by Sen. Dianne Feinstein (D-Calif.), but there was no similar language in the version of the bill that passed the House, and it was dumped from the final bill released Tuesday after a conference committee from both chambers worked out a unified measure.

It declared that "An authorization to use military force, a declaration of war, or any similar authority shall not authorize the detention without charge or trial of a citizen or lawful permanent resident of the United States apprehended in the United States, unless an Act of Congress expressly authorizes such detention."

The provision sparked a heated debate in the Senate, but ultimately passed by a wide majority with both supporters and opponents of U.S. terrorist detention practices voting for it, citing differing interpretations. Feinstein offered the amendment to clarify a part of the 2012 NDAA that for the first time codified the ability of the military and White House to detain terrorism suspects.

Spokespeople for Senate committee leaders did not immediately answer why the amendment was stripped, but pointed to the language that replaced it:

Nothing in the Authorization for Use of Military Force (Public Law 107–40; 50 U.S.C. 1541) or the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81) shall be construed to deny the availability of the writ of habeas corpus or to deny any Constitutional rights in a court ordained or established by or under Article III of the Constitution to any person inside the United States who would be entitled to the availability of such writ or to such rights in the absence of such laws.

The new provision appears to do little, because the Supreme Court has already declared that the writ of habeas corpus -- requiring that someone be presented to a judge -- applies to all people. The more difficult part of whether people deserve a trial remains unsettled, and the new provision does not appear to resolve it.

"This language doesn't do anything of substance," said Raha Wala, a lawyer in the law and national security program of Human Rights First. "It doesn't ban indefinite detention within the United States or change anything about existing law."

Feinstein said she was not pleased that her attempt to at least shield citizens and legal residents was stripped.

“I was saddened and disappointed that we could not take a step forward to ensure at the very least American citizens and legal residents could not be held in detention without charge or trial," Feinstein said. "To me that was a no-brainer.”

Nevertheless, many activists who oppose indefinite detention were not all that enamored with her amendment because some felt it asserted that Congress had the right to make laws requiring detention of citizens. Others believed it failed the test of constitutionality because the Constitution specifies its protections extend to all people, not just citizens. It also did not address terror suspects captured overseas.

The White House had threatened to veto both the House and Senate versions over numerous other provisions included in the legislation. Among them were restrictions on the executive's ability to transfer prisoners from the prison for terrorist suspects at Guantanamo Bay, Cuba.

The White House did not immediately answer questions about whether the threats stood.

UPDATE: 5:25 p.m. -- Conservative Kentucky Sen. Rand Paul (R), slammed the change, singling out Sen. John McCain (R-Ariz.) in the process.

“The decision by the NDAA conference committee, led by Sen. John McCain (R-Ariz.) to strip the National Defense Authorization Act of the amendment that protects American citizens against indefinite detention now renders the entire NDAA unconstitutional,” Sen. Paul said.

"I voted against NDAA in 2011 because it did not contain the proper constitutional protections. When my Senate colleagues voted to include those protections in the 2012 NDAA through the Feinstein-Lee Amendment last month, I supported this act," Sen. Paul continued. "But removing those protections now takes us back to square one and does as much violence to the Constitution as last year's NDAA. When the government can arrest suspects without a warrant, hold them without trial, deny them access to counsel or admission of bail, we have shorn the Bill of Rights of its sanctity.

"Saying that new language somehow ensures the right to habeas corpus – the right to be presented before a judge – is both questionable and not enough. Citizens must not only be formally charged but also receive jury trials and the other protections our Constitution guarantees. Habeas corpus is simply the beginning of due process. It is by no means the whole.

"Our Bill of Rights is not something that can be cherry-picked at legislators' convenience. When I entered the United States Senate, I took an oath to uphold and defend the Constitution. It is for this reason that I will strongly oppose passage of the McCain conference report that strips the guarantee to a trial by jury."

The Section Preventing Indefinite Detention of Americans Without Trial Removed From Final NDAA Bill

While the Feinstein-Lee Amendment wasn't perfect, it was a small step forward as I outlined in my piece: My Thoughts on the Feinstein-Lee Amendment to the NDAA. Amazingly, this small victory has been stripped out of the final bill by our "representatives." If this doesn't prove without a shadow of a doubt that this government is criminal and wants the power to lock up citizens without trial I don't know what will.

*WASHINGTON — **Congress stripped a provision Tuesday from a defense bill that aimed to shield Americans from the possibility of being imprisoned indefinitely without trial by the military.** The provision was replaced with a passage that appears to give citizens little protection from indefinite detention.*

*The new provision appears to do little, because the Supreme Court has already declared that the writ of habeas corpus — requiring that someone be presented to a judge — applies to all people. **The more difficult part of whether people deserve a trial remains unsettled, and the new provision does not appear to resolve it.***

Could their intentions be any more clear?

After losing GPS-tracking case at high court, FBI goes after warrantless cell-site location data

By T.C. Sottek on December 18, 2012

Antoine Jones, a Washington D.C. nightclub owner accused of running a major cocaine ring, won a case against the FBI back in January — a landmark ruling that required the government to get a warrant when using GPS tracking devices on cars. (Jones was arrested in January of 2008 after the FBI tracked his Jeep for 24 hours a day using a GPS tracker, without a warrant.) But federal prosecutors aren't ready to give up on their quest to put Jones behind bars, and as *Wired* reports, a US District Judge for the District of Columbia just cleared the way for the US to use warrantless cell-tower location records in a retrial of *United States v. Antoine Jones*. Jones' lawyers argue that law enforcement still should have obtained a probable cause warrant for cell location data, accusing the government of trying to accomplish the same thing it tried to do with suppressed GPS data.

But District Judge Ellen Segal Huvelle set aside the 4th Amendment argument that helped Jones win his first case, writing in her ruling that other judges have allowed law enforcement agents to use historical cell-site data using a court order and not a warrant. Prosecutors are now cleared to use Jones' phone location records, which were obtained in 2005 before the GPS ruling took effect, though Judge Huvelle says that the "third party

doctrine," which allows the government to obtain some electronic records shared by consumers with companies without warrants, could be taken up by the Supreme Court in the future. Meanwhile, as the *Legal Times* reports, Jones remains in federal custody and will stand trial again in January.

Congress Disgracefully Approves the FISA Warrantless Spying Bill for Five More Years, Rejects All Privacy Amendments

Today, after just one day of rushed debate, the Senate shamefully voted on a five-year extension to the FISA Amendments Act, an unconsitutional law that openly allows for warrantless surveillance of Americans' overseas communications.

Incredibly, the Senate rejected all the proposed amendments that would have brought a modicum of transparency and oversight to the government's activities, despite previous refusals by the Executive branch to even estimate how many Americans are surveilled by this program or reveal critical secret court rulings interpreting it.

The common-sense amendments the Senate hastily rejected were modest in scope and written with the utmost deference to national security concerns. The Senate had months to consider them, but waited until four days before the law was to expire to bring them to the floor, and then used the contrived time crunch to stifle any chances of them passing.

Sen. Ron Wyden's amendment would not have taken away any of the NSA's powers, it just would have forced intelligence agencies to send Congress a report every year detailing how their surveillance was affecting ordinary Americans. Yet Congress voted to be purposely kept in the dark about *a general estimate* of how many Americans have been spied on.

You can watch Sen. Ron Wyden's entire, riveting floor speech on the privacy dangers and lack of oversight in the FISA Amendments Act here.

Sen. Jeff Merkley's amendment would have encouraged (not even forced!) the Attorney General to declassify portions of secret FISA court opinions—or just release summaries of them if they were too sensitive. This is something the administration itself promised to do three years ago. We know—because the government has admitted—that at least one of those opinions concluded the government had violated the Constitution. Yet Congress also voted to keep this potentially critical interpretation of a *public* law a secret.

Tellingly, Sen. Rand Paul's "Fourth Amendment Protection Act," which would have affirmed Americans' emails are protected from unwarranted search and seizures (just like physical letters and phone calls), was voted down by the Senate in a landslide.

The final vote for re-authorizing five more years of the FISA Amendments Act and secretive domestic spying was 73-23. Our thanks goes out to the twenty-three brave Senators who stood up for Americans' constitutional rights yesterday. If only we had more like them.

Of course, the fight against illegal and unconsitutional warrantless wiretapping is far from over. Since neither the President, who once campaigned on a return to rule of law on surveillance of Americans, nor the Congress, which has proven to be the enabler-in-chief of the Executive's overreach, have been willing to protect the privacy of Americans in their digital papers, all eyes should now turn to the Courts.

EFF was just in federal court in San Francisco two weeks ago, challenging the NSA's untargeted dragnet warrantless surveillance program. And the Supreme Court will soon rule whether the ACLU's constitutional challenge to the "targeted" portions of the FISA Amendments Act can go forward.

But make no mistake: this vote was nothing less than abdication by Congress of its role as watchdog over Executive power, and a failure of its independent obligation to protect the Bill of Rights. The FISA Amendments Act and the ongoing warrantless spying on Americans has been, and will continue to be, a blight on our nation and our Constitution.

Senate Votes to Extend Sweeping Bush Era Surveillance Powers

Even modest attempts to reign in domestic spying law fail as Senators defend sweeping powers for NSA

- Jon Queally, staff writer

Update:

Sen. Jeff Merkeley (D-OR) offered an amendment to the surveillance bill that would have forced the government to declassify the rulings or at least summaries of them. It was among four amendments defeated. (Image: Screen grab via C-SPAN) The US Senate on Friday voted to reauthorize the FISA Amendments Act of 2008, a spying bill that critics say violates the Fourth Amendment and gives vast, unchecked surveillance authority to the government.

The move extends powers of the National Security Agency to conduct surveillance of Americans' international emails and phone calls.

The FISA Amendments Act Reauthorization Act (H.R. 5949), passed on a 73-23 vote.

"It's a tragic irony that FISA, once passed to protect Americans from warrantless government surveillance, has mutated into its polar opposite due to the FISA Amendments Act," said Michelle Richardson, legislative counsel at the ACLU. "The Bush administration's program of warrantless wiretapping, once considered a radical threat to the Fourth Amendment, has become institutionalized for another five years."

Earlier: *Oversight Amendments to FISA Crumble in US Senate: Obama, Democrats Push to Make Bush Spying Laws Permanent*

Four separate amendments designed to install oversight mechanisms into the National Intelligence Agency's vast spying capabilities enshrined in the 2008 FISA Amendments Act all failed Thursday with the majority of US Senators insisting that secrecy continues to trump civil liberties in the post 9/11 era.

With a final vote for full passage of the bill expected Friday, the defeat of the amendments spells near complete legalization of domestic spying practices which would have previously been found criminal. First uncovered during the Bush years and slammed by Democrats, the FISA law passed in 2008 gave retroactive immunity to the Bush era abuse and strove to codify the program going forward.

Though he ran against such measures during his first run for president, the secret spying laws have now been embraced fully and championed by President Obama.

Rights groups and advocates of the amendments voiced outrage with the votes.

The Electronic Frontier Foundation's Trevor Timm, who summarized each amendment here, predicted that a complete re-authorization of the law would likely pass the Senate but argued the amendments "would go a long-way in curbing the law's worst abuses."

Describing the FISA law in brief, Timm explained that

the law allows the government to get secret FISA court orders—orders that do not require probable cause like regular warrants—for any emails or phone calls going to and from overseas. The communications only have to deal with "foreign intelligence information," a broad term that can mean virtually anything. And one secret FISA order can be issued against groups or categories of people—potentially affecting hundreds of thousands of Americans at once.

EFF marked each successive amendment's defeat via Twitter:

Your Cellphone Is Spying on You

How the surveillance state co-opted personal technology

Ronald Bailey from the January 2013 issue

Big Brother has been outsourced. The police can find out where you are, where you've been, even where you're going. All thanks to that handy little human tracking device in your pocket: your cellphone.

There are 331 million cellphone subscriptions—about 20 million more than there are residents—in the United States. Nearly 90 percent of adult Americans carry at least one phone. The phones communicate via a nationwide network of nearly 300,000 cell towers and 600,000 micro sites, which perform the same function as towers. When they are turned on, they ping these nodes once every seven seconds or so, registering their locations, usually within a radius of 150 feet. By 2018 new Federal Communications Commission regulations will require that cellphone location information be even more precise: within 50 feet. Newer cellphones also are equipped with GPS technology, which uses satellites to locate the user more precisely than tower signals can. Cellphone companies retain location data for at least a year. AT&T has information going all the way back to 2008.

Police have not been shy about taking advantage of these data. According to the American Civil Liberties Union (ACLU), U.S. law enforcement agencies made 1.5 million requests for user data from cellphone companies in 2011. And under current interpretations of the law, you will never find out if they were targeting you.

In fact, police no longer even have to go to the trouble of seeking information from your cell carrier. Law enforcement is more and more deploying International Mobile Subscriber Identity locators that masquerade as cell towers and enable government agents to suck down data from thousands of subscribers as they hunt for an individual's cell signal. This "Stingray" technology can detect and precisely triangulate cellphone signals with an accuracy of up to 6 feet—even inside your house or office where warrants have been traditionally required for a legal police search.

Law enforcement agencies prefer not to talk about cellphone tracking. "Never disclose to the media these techniques—especially cell tower tracking," advises a guide for the Irvine, California, police department unearthed by the ACLU in 2012. The Iowa Fusion Center, one of 72 local law enforcement intelligence agencies established in coordination with the Department of Homeland Security, distributes a training manual that warns, "Do not mention to the public or media the use of cellphone technology or equipment to locate the targeted subject." The ACLU translates: "We would hate for the public to know how easy it is for us to obtain their personal information. It would be inconvenient if they asked for privacy protections."

Ubiquitous cellphones, corporate acquiescence, stealthy new surveillance technologies, and unchecked police intrusiveness combine to produce a situation where the government can pinpoint your whereabouts whenever it wants, without a warrant and without your knowledge. The courts have largely punted on this issue so far. But should carrying convenient communications technology mean that we give up our right to privacy?

Panopticon Rising

Back in the 18th century, architect Samuel Bentham designed a building in which every occupant would be perpetually observable by a hidden inspector located in a central tower. His brother, philosopher Jeremy Bentham, dubbed the building the Panopticon (literally, "all seeing") and argued that widely adopting it could solve most of society's ills. "Morals reformed—health preserved—industry invigorated—instruction diffused—public burthens lightened—Economy seated, as it were, upon a rock—the Gordian knot of the poor-law not cut, but untied—all by a simple idea in Architecture!" Bentham enthused. The occupants of the Panopticon, not knowing if they were in fact being observed, would come to assume constant surveillance and eventually "watch themselves." No actual inspector needed.

More than 200 years later, geographers Jerome Dobson from the University of Kansas and Peter Fisher from the University of Leicester took the concept of the Panopticon to the next level. In a 2003 article in *IEEE Technology and Society Magazine*, the two ominously predicted "geoslavery," defined as "a practice in which one entity, the master, coercively or surreptitiously monitors and exerts control over the physical location of another individual, the slave." In their most lurid scenario, the master would be able to constantly monitor his slave's location and, if he wasn't where he was supposed to be, remotely administer an electric shock to get him back in line. Although no one has offered an electric shock app for cellphones yet, private companies like PhoneSheriff and FlexiSPY offer cellphone software that enables parents and spouses to secretly monitor others' contacts, conversations, and locations. As creepily invasive as private surveillance is, however, it's far worse for our civil liberties that surreptitious tracking by law enforcement has so dramatically increased since 2003. How free would you feel if you thought there was a good chance the cops were monitoring your movements?

"The reason that the Panopticon will slip into the modern world is because it offers so many benefits, as Bentham argued," Dobson tells me. "The downsides will become apparent only after we've been seduced by the benefits."

Stephanie Pell, former counsel to the House Judiciary Committee, and Christopher Soghoian, a senior policy analyst and chief technologist at the ACLU's Speech, Privacy, and Technology Project, argue in the Spring 2012 *Berkeley Technology Law Journal* that "the presence of modern surveillance mechanisms, visible and imperceptible, public and private, promotes the 'Panoptic effect'—a general sense of being omnisciently observed." Pell and Soghoian argue that awareness of the state's Panoptic "gaze" becomes coercive: We act differently if we believe we are being watched. Individual freedom requires the ability to avoid the judging gaze of others, especially agents of the state. "As modern

location surveillance techniques increase in precision and their pervasive distribution throughout society becomes known," write Pell and Soghoian, "people become increasingly aware of, and potentially influenced by, a palpable sense of the omniscient gaze similar to that produced by the design of Bentham's" Panopticon.

Somebody's Watching

"Awareness that the Government may be watching chills associational and expressive freedoms," wrote U.S. Supreme Court Justice Sonia Sotomayor in *U.S. v. Jones*, a 2012 case dealing with warrantless GPS tracking. Sotomayor added that such unfettered tracking "may alter the relationship between citizen and government in a way that is inimical to democratic society." Dobson asks: "What happens if you create a society in which nobody can do anything wrong, never step out of line or go off the path? Would that be the same self-motivated society we have today?" Watched citizens are tantamount to prison inmates; they just roam a larger cage.

"Privacy is rarely lost in one fell swoop," writes George Washington University law professor Daniel Solove in a May 2011 *Chronicle of Higher Education* essay. "It is usually eroded over time, little bits dissolving almost imperceptibly until we finally begin to notice how much is gone." Solove suggests that privacy will be lost slowly at first, as many people shrug when the government begins to monitor incoming and outgoing phone numbers. After all, they're just phone numbers. Each increase in government spying—recording selected phone calls, installing video cameras in public spaces, surveilling via satellite, tracking bank transactions, compiling records of Internet searches—is shrugged off as a minor intrusion. "Each step may seem incremental," Solove warns, "but after a while, the government will be watching and knowing everything about us."

Solove points out that awareness of pervasive surveillance not only affects how citizens go about their lives (how they express themselves, with whom they associate); it also skews the balance of power between individual citizens and government bureaucracies. As the size and scope of government grows, bureaucratic mistakes become more common and harder for citizens to correct. Putting limits on government surveillance is therefore a way to prevent the government from doing wrong to its citizens.

Big Brother is Coming!

By Samuel B. on December 4, 2012 · 10 Comments

24 reddit 135

Remember that book* 1984*, the one you read in elementary school that talked about the future and how to prepare for a dystopian world that was bound to happen in the 1980s? Then you remember it was the 90s when you read it, and you probably have nothing to worry about … at least for now!

Anyway, the whole "Big Brother is watching you" idea may actually become an everyday thing. **Verizon Wireless** just patented a DVR that can watch and listen to everything that happens in your living room!

The technology was made to create personalized, targeted advertisements on your television that are suited for whatever is happening in the room in which it is stationed. Verizon gave a few examples of how the technology could be used. For example, if a couple is arguing, an ad for marriage counseling would pop up, while sounds of cuddling would prompt an ad for contraceptives. How thoughtful!

Apparently, Verizon is not the first company to patent tech for targeted advertisements for the home television. **Comcast** patented a camera in 2008 that would recognize viewers faces and play ads specifically for them based on their viewing

choices. **Google** also patented an addition to *Google TV* that recognizes and catalogs how many people in a room are watching TV.

Personally, I would opt out of getting this tech in my house, but what about you guys?

QUESTION: Would you put this in your house if it had some kind of incentive behind it?

LEAKED: White House's Bogus Talking Points On Why Senate Should Trample The 4th Amendment

from the *lovely-stuff* dept

https://s3.amazonaws.com/s3.documentcloud.org/documents/549956/short-version-of-faa-talking-points-v-3-clean.pdf

Want to know the White House's key propaganda lines for refusing to allow proper oversight into how the NSA is spying on us all? Well, sit back and read on, because the **White House's "talking points"** on why the Senate should reject four key amendments to try to roll back some of the excesses of the broad and massive *secret* program to collect tons of data on Americans, has been leaked. First, some background.

As we noted yesterday, there was a **"debate"** in the Senate concerning the FISA Amendments Act renewal, and four specific amendments that some Senators tried to add to it to make the renewal less problematic. If you haven't been following this whole mess, you can read back through our **FISA Amendments Act** stories here, but the short version is that this is the bill that "legalized" warrantless wiretapping -- and which (it has since been revealed) is likely being used by the NSA to collect reams of data on Americans, despite the bill's plain text suggesting that it can only be used on foreigners. At issue is that the FISA Court has apparently issued an "interpretation" of the bill, which allows for a very broad reading of the text -- so broad, that it likely contradicts what most people believe the bill says. Only a small group of people know what this secret interpretation is, and while sitting Senators and Congressional Reps can find out, most do NOT have staff members with the necessary clearance to explain it to them. For this reason, most of the people voting on this bill have **no idea** how it is being used, and sometimes argue that it is not being used in ways that it is almost certainly being used (i.e., to scoop up data on many Americans without warrants). These provisions -- the FAA for short -- were set to

expire last year, but were renewed for one year, ostensibly to allow for "real" debate. Of course, despite having a whole year, no debate appeared, and instead we got yesterday's charade.

Four specific amendments to try to fix (or, at least, to minimize the damage) were proposed. The EFF has a **pretty quick rundown of the four proposed amendments**. The White House has been urging the Senate to reject all of them and to extend the FISA Amendments Act for five more years with no questions asked. Three of the proposed amendments were already rejected last night. This morning, a short debate and then a vote will progress on the last, the Wyden-Udall amendment. Even though the other three have already been rejected, we'll explore the talking their points too, but let's start with the talking points on the Wyden-Udall amendment. Here's the White House summary:
What the Amendment Does: Requires the DNI to submit a report to Congress and the public on the impact FAA and other surveillance authorities have on the privacy of United States persons.
That's a fair assessment and seems perfectly reasonable. Here's the EFF on why this is important:
Sen. Ron Wyden, one of the most ardent defenders of civil liberties in the Senate, has been asking the NSA for months for information on how the FISA Amendments Act has impacted Americans.
*The NSA has so far refused, yet, as the **New York Times reported in 2009**, we know the NSA was still intercepting domestic communications in a "significant and systematic" way. We also **know the secret FISA court ruled**, on at least one occasion, that the government had violated the Fourth Amendment when conducting surveillance under the FAA. Yet the NSA has rather unbelievably claimed releasing the number of Americans whose privacy has been violated would violate those same Americans' privacy.*
Ron Wyden's amendment would force the NSA to come clean and give a general estimate of how many Americans have been affected by this unconstitutional bill, and finally give us information Americans deserve.
In addition, another Wyden amendment would clarify that the acquisition of American communications is prohibited without a warrant. Sen. Wyden has accused the government of conducting "backdoor searches," whereby the government collects communications of foreign individuals talking to Americans, but later goes back into the

government's database of intercepted communications and reviews the Americans' communications. Sen. Wyden hopes this clarification to the law will help guard against further intrusive spying on American communications.

So what are the talking points from the White House for why this is a bad thing?

- *The Administration opposes this amendment. The goal of this amendment is to obtain an estimate of the number of U.S. persons' communications that may have been collected. Two independent inspectors general have determined, and reported to Congress, that it is not feasible to provide actual numbers or estimates. They also found that an effort to provide such numbers by deliberately trying to identify U.S. person information would adversely affect the privacy of any U.S. persons whose incidentally collected communications may exist within the collected data.*
- *Representatives of the Intelligence Community have briefed the Judiciary and Intelligence Committees in more detail as to why it is not feasible to provide such numbers or estimates and stand ready to answer questions from other Members in a classified setting.*
- *FAA contains significant privacy protections for U.S. persons, to include extensive reporting to Congress to allow Congress to assess the privacy impact of FAA on U.S. persons.*

Yes, the same bullshit we've heard before. Telling Congress how many Americans the NSA spied upon using the FAA (despite the NSA only having a mandate to watch foreigners) would somehow **violate the privacy** of those Americans. That is, to put it simply, insane. What they almost certainly mean is that they've collected such a *large* treasure trove of information, much of which they haven't actually gone through, that to estimate how many people's info was collected would require actually looking at all that data collected, which they're not supposed to do. This, still, is insane -- as it basically reveals the fact that, contrary to what most people think, and contrary to the plain language of the bill, the NSA is almost certainly using the FAA to scoop up communications on huge swaths of the American public. This is why Senator Wyden keeps insisting that the public -- and members of Congress -- would likely be shocked to find out the truth here.

The idea that it is "not feasible" to come up with a number is silly, however. There are ways to estimate these things, and it's nonsense that they won't provide an estimate. It certainly would not compromise security to admit that. It might just compromise the fact that the NSA and the administration are abusing the FAA to spy on tons of Americans.

The "briefing" members bit is also fairly bogus. We're talking about the interpretation of a public US law. That shouldn't require a Senator to go into a secret room to get a secret briefing. But, more importantly, as mentioned, most Senators simply do not have staff with the necessary clearances for such a briefing -- so while a member *could* take the initiative to learn this info, they are both unlikely to actually do so and if they do, unlikely to have an expert on hand who can help explain what it all means.

Finally, the argument that there are "significant privacy protections" is belied by the fact that the NSA has already been called out for violating the 4th Amendment under this act at least once. That, alone, should call for further scrutiny, but supporters of the FAA are twisting this around to claim that "the system works." As Julian Sanchez notes, the existing oversight might catch **accidental abuse**, but cannot and will not catch *systematic* abuse, which is what it appears is happening.

So these "talking points" hardly address the problem, and only serve to further mislead, as the White House looks to protect its own administration's domestic surveillance activities. When President Obama was originally running for office in 2008, he campaigned against these provisions (before eventually voting for them). Apparently, that campaigning was a flat out lie. Now he's not only supporting the provisions, his administration is being willfully misleading concerning what they mean.

Moving on to the (already rejected, but still important) Merkley Amendment. This one involved requiring that secret FISA Court rulings that interpret the FAA be made public (in redacted form, if necessary). This seems eminently reasonable. Who could be against that? Well, the White House, for one. Here's why:

- *We oppose this amendment. The Executive Branch works diligently to ensure Congress is fully informed of the intelligence collection operations under FAA,*

notwithstanding the need for the Executive Branch to carry out certain sensitive intelligence activities in a classified manner.

- *As part of Congress' intensive oversight of FISA activities, the Intelligence and Judiciary Committees receive, in classified form, all FISA Court opinions that include a significant interpretation of FISA provisions.*
- *We have committed to reviewing FISC opinions for release to the public with necessary redactions to protect national security equities and that effort is ongoing.*
- *This process must, by necessity, be undertaken with great care. In many cases, classified information is so intertwined with the legal analysis that redacting the classified information leaves a document that lacks any meaningful analysis. Because the Executive Branch is already undertaking a review of the FISC opinions for possible public release, we believe this amendment is unnecessary.*

This is completely bogus, again. As we noted yesterday, going against this amendment is like arguing that we should all be able to interpret the Constitution with just the document itself, and all Supreme Court rulings that work out the nuances and interpretations should be kept secret. The idea that the Executive Branch makes sure that Congress "is fully informed of the intelligence collection operations under the FAA" is both laughable and meaningless at the same time.

Just this very debate -- and this very document -- prove that the White House isn't about keeping Congress "fully informed" but about pulling the wool over their eyes with misleading statements and kinda/sorta true in the letter, but bogus in the spirit, arguments. Members of Congress have flat out said that the FAA does not impact Americans' communications at all, when that it's known to be absolutely false. Also, the fact that the administration may provide classified briefings to Congress is, again, besides the point. We're talking about allowing *the public* to understand the *secret interpretation* of a law that impacts many Americans directly (and in which that interpretation is almost certainly contrary to the plain language and public belief about the bill), and the White House falls back on this "well we'll tell you in secret" argument?

The idea that the administration has committed to reviewing FISA opinions for public

release is equally laughable. This administration has been one of the most secretive on record when it comes to exposing this kind of information, all while patting itself on the back as being the most transparent.

Moving on, we have the rather basic Leahy Amendment that shortens the date on which this extension expires from 2017 back to June 1 of the 2015, to basically move in the walls for the next time we'll have this debate in the closing days before "OMG TERRORISTS WILL DESTROY US ALL!!!@!@" again. Rather than simply punting the ball on this issue as far down the field as possible, Leahy is trying to force at least *some* review within the term of Obama's presidency, rather than long after it's over. This, too, was voted down so the longer timeline stays in place. The White House is pleased, for a whole bunch of completely bogus reasons:

- *We support the House passed sunset date of 2017 and oppose any effort to shorten the sunset date to 2015. The extensive congressional and judicial oversight and the strong track record of compliance supports an extension longer than, not shorter than, the original authorization.*
- *Aligning FAA with expiration of provisions of the Patriot Act risks confusing distinct issues.*
- *Frequent Congressional and public debate on intelligence authorities poses a greater risk of inadvertent disclosure of classified information.*
- *No additional reporting requirements are necessary. Section 702 of FISA is a well calibrated statute that provides for ample oversight by all three branches of government. This oversight framework ensures robust protections for the privacy and civil liberties of U.S. persons.*

This one should just make people angry. Is the White House really arguing that Congress is too stupid to hold the specifics of the FAA separate from the specifics of the wider Patriot Act? If they're confused by those issues, then they shouldn't be in this job. Period.

That second point is the real doozy. Basically, the White House doesn't want this debate, because Senators who know what kind of scam they're pulling might (*gasp*) accidentally reveal too much. So, let's just not talk about it at all. And let the NSA keep

abusing it. Because, otherwise, we might actually find out about the abuse. As for the "oversight" claim, I think we've already covered just how completely bogus that claim really is.

Finally, there's the Paul amendment, which serves to reinforce the basic principles of the 4th Amendment, in reiterating that *all* communications are subject to the 4th Amendment's limitations on searching. Currently, many in law enforcement rely on some really questionable precedents to argue that people don't really have an "expectation of privacy" in their email. It's disingenuous in the extreme. This amendment got voted down by a whopping 79 to 12 votes. I'm sure that pleased the White House, who argued the following:

- *We strongly oppose this amendment as it will effectively repeal the FISA Amendments Act and other federal laws by requiring a probable cause determination to obtain information on our foreign adversaries located overseas. As such, it would overturn years of federal law.*
- *This proposed amendment would severely limit the effectiveness of law enforcement, authorities at all levels of government. For example, Governments rely on legal tools such as grand jury subpoenas. The use of such tools would be prohibited under the amendment if that information is drawn from almost any system of records.*

In other words, they're admitting that the FISA Amendments Act clearly tramples the 4th Amendment and allows for widespread surveillance of Americans without a warrant. Also, the Constitution **isn't about** making life easier for law enforcement. It's about the opposite. It's specifically about making it *more difficult* for law enforcement, because *that's how a free society functions*, by telling its law enforcement officials that they can't just snoop on everyone, but need real oversight in the form of a warrant. So to argue that this might make the NSA's job a bit harder isn't just not compelling, it's not even a legitimate reason, because it's arguing that the government should, effectively, be allowed to do whatever the hell it wants if it "makes law enforcement's job easier."

It's clear that the FISA Amendments Act is about to be extended, and the White House, even with completely bogus talking points, will prevail. But, reading through these

talking points is just highlighting the depths to which our government will stoop to make sure they can continue to trample the basic principles of the 4th Amendment.

Short Version of FAA Talking Points v 3 (CLEAN) Document

UNCLASSIFIED

The Administration urges the Senate to promptly reauthorize the FISA Amendments Act (FAA) without amendment. The FAA expires in four days. It is critical that the legislation be sent to the President before the authority expires.

LEAHY AMENDMENT

What the Amendments Does: Shortens the sunset date to June 1, 2015 and adds additional reporting requirements.

Talking Points:

- We support the House passed sunset date of 2017 and oppose any effort to shorten the sunset date to 2015. The extensive congressional and judicial oversight and the strong track record of compliance supports an extension longer than, not shorter than, the original authorization.
- Aligning FAA with expiration of provisions of the Patriot Act risks confusing distinct issues.
- Frequent Congressional and public debate on intelligence authorities poses a greater risk of inadvertent disclosure of classified information.
- No additional reporting requirements are necessary. Section 702 of FISA is a well calibrated statute that provides for ample oversight by all three branches of government. This oversight framework ensures robust protections for the privacy and civil liberties of U.S. persons.

WYDEN-UDALL AMENDMENT TO REQUIRE A REPORT ON THE PRIVACY IMPACT OF FISA AMENDMENTS ACT SURVEILLANCE

What the Amendment Does: Requires the DNI to submit a report to Congress and the public on the impact FAA and other surveillance authorities have on the privacy of United States persons.

Talking Points:

- The Administration opposes this amendment. The goal of this amendment is to obtain an estimate of the number of U.S. persons' communications that may have been collected. Two independent inspectors general have determined, and reported to Congress, that it is not feasible to provide actual numbers or estimates. They also found that an effort to provide such numbers by deliberately trying to identify U.S. person information would adversely affect the privacy of any U.S. persons whose incidentally collected communications may exist within the collected data.
- Representatives of the Intelligence Community have briefed the Judiciary and Intelligence Committees in more detail as to why it is not feasible to provide such numbers or estimates and stand ready to answer questions from other Members in a classified setting.
- FAA contains significant privacy protections for U.S. persons, to include extensive reporting to Congress to allow Congress to assess the privacy impact of FAA on U.S. persons.

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- FAA contains significant privacy protections for U.S. persons, to include extensive reporting to Congress to allow Congress to assess the privacy impact of FAA on U.S. persons.

MERKLEY AMENDMENT ON DISCLOSURE OF DECISIONS, ORDERS AND OPINIONS OF THE FOREIGN INTELLIGENCE SURVEILLANCE COURT

What the Amendment Does: Requires the Attorney General to declassify and make available to the public, in a manner consistent with the protection of national security and intelligence sources and methods, opinions or orders of the FISA Court that include a significant construction or interpretation of the law.

Talking Points:

- We oppose this amendment. The Executive Branch works diligently to ensure Congress is fully informed of the intelligence collection operations under FAA, notwithstanding the need for the Executive Branch to carry out certain sensitive intelligence activities in a classified manner.
- As part of Congress' intensive oversight of FISA activities, the Intelligence and Judiciary Committees receive, in classified form, all FISA Court opinions that include a significant interpretation of FISA provisions.
- We have committed to reviewing FISC opinions for release to the public with necessary redactions to protect national security equities and that effort is ongoing.
- This process must, by necessity, be undertaken with great care. In many cases classified information is so intertwined with the legal analysis that redacting the classified information leaves a document that lacks any meaningful analysis. Because the Executive Branch is already undertaking a review of the FISC opinions for possible public release, we believe this amendment is unnecessary.

PAUL AMENDMENT

What the Amendment Does: Prohibits the Federal Government from obtaining or seeking to obtain information relating to an individual or group of individuals held by a third-party in a system of records and prevents any such information from being admissible in a criminal prosecution unless (a) express and informed consent has been given or (b) the Government obtains a warrant.

Talking Points:

- We strongly oppose this amendment as it will effectively repeal the FISA Amendments Act and other federal laws by requiring a probable cause determination to obtain information on our foreign adversaries located overseas. As such, it would overturn years of federal law.
- This proposed amendment would severely limit the effectiveness of law enforcement, authorities at all levels of government. For example, Governments rely on legal tools such as grand jury subpoenas. The use of such tools would be prohibited under the amendment if that information is drawn from almost any system of records.

Americans Are The Most Spied On People In World History

More Spying On Citizens than in Stasi East Germany

By Washington's Blog
Global Research, December 05, 2012
Washington's Blog

Region: USA
Theme: Intelligence, Police State & Civil Rights

According to the Wireless News TechDirt:

In a radio interview, Wall Street Journal reporter Julia Angwin (who's been one of the best at covering the surveillance state in the US) made a simple observation that puts much of this into context: the US surveillance regime has more data on the average American than the Stasi ever did on East Germans.

Indeed, the American government has more information on the average American than Stalin had on Russians, Hitler had on German citizens, or any other government has *ever* had on its people.

The American government is collecting and storing virtually every phone call, purchases, email, text message, internet searches, social media communications, health information, employment history, travel and student records, and virtually all other information of every American.

Some also claim that the government is also using facial recognition software and surveillance cameras totrack where everyone is going. And – given that your smartphone routinely sends you location information back to Apple or Google – it would be child's play for the government to track your location that way.

As the top spy chief at the U.S. National Security Agency explained this week, the American government is collecting some 100 billion 1,000-character emails per day, and 20 trillion communications of all types per year.

He says that the government has collected all of the communications of congressional leaders, generals and everyone else in the U.S. for the last 10 years.

He further explains that he set up the NSA's system so that all of the information would automatically be encrypted, so that the government had to obtain a search warrant based upon probably cause before a particular suspect's communications could be decrypted. But the NSA now collects all data in an unencrypted form, so that no probable cause is needed to view any citizen's information. He says that it is actually cheaper and easier to

store the data in an encrypted format: so the government's current system is being done for political – not practical – purposes.

He says that if anyone gets on the government's "enemies list", then the stored information will be used to target them. Specifically, he notes that if the government decides it doesn't like someone, it analyzes all of the data it has collected on that person and his or her associates over the last 10 years to build a case against him.

As we've previously documented, the spying isn't being done to keep us safe … but to crush dissent and to smear people who uncover unflattering this about the government … and to help the too big to fail businesses compete against smaller businesses (and here).

And as we point out at every opportunity, this is not some "post-9/11 reality". Spying on Americans – and most of the other attacks on liberty – started ***before*** 9/11.

Senator Frank Church – who chaired the famous "Church Committee" into the unlawful FBI Cointel program, and who chaired the Senate Foreign Relations Committee – said in 1975:

Th[e National Security Agency's] capability at any time could be turned around on the American people, and **no American would have any privacy left, such is the capability to monitor everything:** telephone conversations, telegrams, it doesn't matter. There would be no place to hide. [If a dictator ever took over, the N.S.A.] **could enable it to impose total tyranny ….**

We can debate whether or not dictators are running Washington. But one thing is clear: the capacity is already *here*.

TechDirt points out:

While the Stasi likely wanted more info and would have loved to have been able to tap into a digitally connected world like we have today, that just wasn't possible.

That's true. The tyrants in Nazi Germany, Stalinist Russia and Stasi Eastern Europe would have liked to easedrop on every communication and every transaction of every citizen. But in the world before the internet, smart phones, electronic medical records and digital credit card transactions, much of what happened behind closed doors remained private.

(And modern tin pot dictators don't have the tens of billions of dollars necessary to set up a sophisticated electronic spying system).

In modern America, a *much higher* percentage of your communications and transactions are being recorded and stored by the government.

...And FISA Is Renewed, With All Its Problems Still Intact

from the *no-surprise* dept

After **three key amendments** that would have brought some oversight to the NSA's ongoing spying program were rejected last night, and the **final such amendment** was rejected this morning, there was little doubt that the Senate would move ahead with renewing FISA in its current and highly problematic form. Immediately following the rejection of the Wyden amendment, that's just what they did, voting 73-23 to extend FISA for another five years.

There was never really any chance of FISA not being renewed, but the proposed amendments would have added vital checks to the law, most of which seemed to be just common-sense—such as requiring a report to Congress on the program's privacy impact. With all these changes rejected, the renewal means another five-year virtual carte blanche for the NSA to collect data on US citizens under a *secret interpretation of the law* that the public is not allowed to see, without even providing an estimate on how many Americans have had their privacy violated.

Congress decides every aspect of your electronic life can be spied on without a warrant and you can't know how much spying is going on

Cory Doctorow at 1:04 am Sat, Dec 29

They voted down every single privacy amendment to FISA, the act that lets the NSA spy on you without a warrant. They voted down the amendment that would let you hear *rough estimates* of how much the NSA was spying on you. Obama spoke out against amendments that offered *less* privacy protection than the ones that he voted for in 2008.

The common-sense amendments the Senate hastily rejected were modest in scope and written with the utmost deference to national security concerns. The Senate had months to consider them, but waited until four days before the law was to expire to bring them to the floor, and then used the contrived time crunch to stifle any chances of them passing.

Sen. Ron Wyden's amendment would not have taken away any of the NSA's powers, it just would have forced intelligence agencies to send Congress a report every year detailing how their surveillance was affecting ordinary Americans. Yet Congress voted to be purposely kept in the dark about a general estimate of how many Americans have been spied on.

You can watch Sen. Ron Wyden's entire, riveting floor speech on the privacy dangers and lack of oversight in the FISA Amendments Act here.

Sen. Jeff Merkley's amendment would have encouraged (not even forced!) the Attorney General to declassify portions of secret FISA court opinions—or just release summaries of them if they were too sensitive. This is something the administration itself promised to do three years ago. We know—because the government has admitted—that at least one of those opinions concluded the government had violated the Constitution. Yet Congress also voted to keep this potentially critical interpretation of a public law a secret.

Tellingly, Sen. Rand Paul's "Fourth Amendment Protection Act," which would have affirmed Americans' emails are protected from unwarranted search and seizures (just like physical letters and phone calls), was voted down by the Senate in a landslide.

Congress Disgracefully Approves the FISA Warrantless Spying Bill for Five More Years, Rejects All Privacy Amendments

Today, after just one day of rushed debate, the Senate shamefully voted on a five-year extension to the FISA Amendments Act, an unconsitutional law that openly allows for warrantless surveillance of Americans' overseas communications.

Incredibly, the Senate rejected all the proposed amendments that would have brought a modicum of transparency and oversight to the government's activities, despite previous refusals by the Executive branch to even estimate how many Americans are surveilled by this program or reveal critical secret court rulings interpreting it.

The common-sense amendments the Senate hastily rejected were modest in scope and written with the utmost deference to national security concerns. The Senate had months to consider them, but waited until four days before the law was to expire to bring them to the floor, and then used the contrived time crunch to stifle any chances of them passing.

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The final vote for re-authorizing five more years of the FISA Amendments Act and secretive domestic spying was 73-23. Our thanks goes out to the twenty-three brave Senators who stood up for Americans' constitutional rights yesterday. If only we had more like them.

Of course, the fight against illegal and unconsitutional warrantless wiretapping is far from over. Since neither the President, who once campaigned on a return to rule of law on surveillance of Americans, nor the Congress, which has proven to be the enabler-in-chief of the Executive's overreach, have been willing to protect the privacy of Americans in their digital papers, all eyes should now turn to the Courts.

EFF was just in federal court in San Francisco two weeks ago, challenging the NSA's untargeted dragnet warrantless surveillance program. And the Supreme Court will soon rule whether the ACLU's constitutional challenge to the "targeted" portions of the FISA Amendments Act can go forward.

But make no mistake: this vote was nothing less than abdication by Congress of its role as watchdog over Executive power, and a failure of its independent obligation to protect the Bill of Rights. The FISA Amendments Act and the ongoing warrantless spying on Americans has been, and will continue to be, a blight on our nation and our Constitution.

Why We Should All Care About Today's Senate Vote on the FISA Amendments Act, the Warrantless Domestic Spying Bill

Today is an incredibly important vote for the future of your digital privacy, but some in Congress are hoping you won't find out.

Finally, after weeks of delay, the Senate will start debate on the dangerous FISA Amendments Act at 10 am Eastern and vote on its re-authorization by the end of the day. The FISA Amendments Act is the broad domestic spying bill passed in 2008 in the wake of the warrantless wiretapping scandal. It expires at the end of the year and some in Congress wanted to re-authorize it without a minute of debate.

The good news is—thanks for your phone calls, emails, and tweets—Congress will now be forced to debate it, which means we can affect its outcome. In case you forget just

how dangerous the FISA Amendments Act is to your privacy, here's how we described it last week:

> The FISA Amendments Act continues to be controversial; key portions of it were challenged in a case before the U.S. Supreme Court this term. In brief, the law allows the government to get secret FISA court orders—orders that do not require probable cause like regular warrants—for any emails or phone calls going to and from overseas. The communications only have to deal with "foreign intelligence information," a broad term that can mean virtually anything. And one secret FISA order can be issued against groups or categories of people—potentially affecting hundreds of thousands of Americans at once.

Any Senator who wants to stay true to the Constitution should vote no on its re-authorization, but in the alternative, there are four common sense amendments up for debate today that would go a long-way in curbing the law's worst abuses.

The Wyden Oversight and Transparency Amendments

Sen. Ron Wyden, one of the most ardent defenders of civil liberties in the Senate, has been asking the NSA for months for information on how the FISA Amendments Act has impacted Americans.

The NSA has so far refused, yet, as the New York Times reported in 2009, we know the NSA was still intercepting domestic communications in a "significant and systematic" way. We also know the secret FISA court ruled, on at least one occasion, that the government had violated the Fourth Amendment when conducting surveillance under the FAA. Yet the NSA has rather unbelievably claimed releasing the number of Americans whose privacy has been violated would violate those same Americans' privacy.

Ron Wyden's amendment would force the NSA to come clean and give a general estimate of how many Americans have been affected by this unconstitutional bill, and finally give us information Americans deserve.

In addition, another Wyden amendment would clarify that the acquisition of American communications is prohibited without a warrant. Sen. Wyden has accused the government of conducting "backdoor searches," whereby the government collects communications of foreign individuals talking to Americans, but later goes back into the government's database of intercepted communications and reviews the Americans' comunications. Sen. Wyden hopes this clarification to the law will help guard against further intrusive spying on American communications.

The Rand Paul Fourth Amendment Amendment

Republican Senator Rand Paul has commendably been one of the few voices unequivocally denouncing the FISA Amendments Act as a violation of the Fourth Amendment. To that end, Sen. Paul will be introducing "the Fourth Amendment Protection Act" which will re-iterate that all US communications, whether sought by US intelligence agencies like the NSA or any government agency, are protected against unwarranted searches and seizures—even if they are held by third party email providers like Google. You can read Sen. Paul's amendment here.

The Merkley FISA Court Amendment

Both in 2010 and 2011, Obama administration officials promised to work to declassify secret FISA court opinions that contained "important rulings of law." These opinions would shed light on whether and how Americans' communications have been illegally spied on. Since then, the administration has refused to declassify a single opinion, even though the administration admitted in July that the FISA court ruled that collection done under the FAA had violated the Fourth Amendment rights of an unknown number of Americans on at least one occasion.

Starting with the precept that "secret law is inconsistent with democratic governance," Sen. Jeff Merkley's amendment would force the government to release any FISA court opinions that contain significant interpretations of the FISA Amendments Act so the American public can know how it may or may not be used against them.

The Leahy Sunset Amendment

About the only good part in the original FISA Amendments Act was the provision that stated it would expire after four years so Congress could fully debate its use and abuse before reauthorizing, if reauthorization was even necessary. Unfortunately, Congress has been resisting the debate, and the new bill would extend the FAA for five more years. That means the law would not sunset again until President Obama is out of office. Senator Leahy's amendment would shorten the law's length to three years. While any extension of a law that results in unconstitional spying is unacceptable, the shorter the re-authorization, the better.

Please use Free Press' call-in tool to talk to your Senator's office on the phone or use EFF's action center to email your Senators. Tell them to vote for these privacy-friendly amendments and to vote no on warrantless domestic spying.

Titan Supercomputer: The building of a speed machine

Speed machine

> Engineers have put the finishing touches to Titan – a machine that expected to become the world's most powerful supercomputer. (Copyright: ORNL)

What is expected to become the world's fastest supercomputer has been completed.

Titan, owned and operated by the US Department of Energy's Oak Ridge National Laboratory, is theoretically capable of 20 petaflops – or more than 20,000 trillion calculations every second.

The current fastest civilian supercomputer is an IBM machine called Sequoia, at the Department of Energy's Lawrence Livermore National Laboratory, which is capable of 16.32 petaflops.

Titan is an upgrade of the Oak Ridge lab's existing supercomputer Jaguar, has been in development for the last three years.

Building Titan: The 'world's fastest' supercomputer

John Pavlus

About the author

> John Pavlus is an award-winning filmmaker and writer focusing on science, technology and design topics. His work has appeared in Scientific American, Technology Review, Wired, National Public Radio, Nature Publishing Group, The New York Times Magazine, Fast Company, and elsewhere. He lives in Brooklyn, NY.

An exclusive, behind-the-scenes look at the US bid to build a radical new machine, capable of solving some of the most complex questions in science today. Its secret: video game technology.

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IBM supercomputer world's fastest

IBM's Sequoia has taken the top spot on the list of the world's fastest supercomputers for the US.

The sound of 20 quadrillion calculations happening every second is dangerously loud. Anyone spending more than 15 minutes in the same room with the Titan supercomputer must wear earplugs or risk permanent hearing damage. The din in the room will not come from the computer's 40,000 whirring processors, but from the fans and water pipes cooling them. If the dull roar surrounding Titan were to fall silent, those tens of thousands of processors doing those thousands of trillions of calculations would melt right down into their racks.

- Titan is expected to become the world's most powerful supercomputer when it comes fully online at the US Oak Ridge National Laboratory, near Tennessee, in late 2012 or early 2013. But on this afternoon in mid-October, Titan isn't technically Titan yet. It's still a less-powerful supercomputer called Jaguar, which the US Department of Energy (DoE) has operated and continuously upgraded since 2005. Supercomputing power is measured in Flops (floating point operations per second), and Jaguar was the first civilian supercomputer to break the "petaflop barrier" of one quadrillion operations per second (a quadrillion is a one followed by 15 zeroes). In June 2010 it was the fastest supercomputer on Earth.

But high-performance computing records don't last long: a Chinese machine pushed Jaguar into second place just six months later. Then in October 2011, the supercomputer design firm Cray announced that it would transform Jaguar into a new machine that could retake the number-one spot, with an estimated peak performance of 20 petaflops.

Cray's blue-jacketed technicians have been pacing up and down Jaguar's catacomb-like aisles for months, opening its 200 monolithic black cabinets and sliding out its processor blades like enormous safe-deposit boxes. Jaguar's brain surgery takes place on spartan worktables that wouldn't look out of place in a hobbyist's garage. A technician fits a paperback-sized ingot of metal and silicon into an empty space in the blade and fastens it into place with a battery-powered screwdriver. The ingot contains a graphics processing unit, or GPU. Cray has installed one of these GPUs alongside every one of Jaguar's 18,688 CPU chips. It's this "hybrid architecture" that will turn Jaguar into Titan, packing an order of magnitude more computing horsepower into the same amount of physical space.

‘Turbo-charged’

GPU-accelerated supercomputers burst onto the world stage in 2010, when China's Tianhe-1A machine overtook Jaguar as the fastest supercomputer on earth. "It came out of nowhere," says Wu-chun Feng, a high-performance computing expert at Virginia Tech. "China didn't even have a high-performance computing program." Instead of relying solely on expensive, highly customized, multicore microprocessors, Tianhe-1A got a speed bump by using "off the shelf" GPUs made by Nvidia, whose chips power the displays of video-game consoles and consumer laptops. Titan takes the same approach using the same chip design that powers the ultra-high resolution Retina display on Apple's Macbook Pro. These intricate squares of silicon will provide 90% of Titan's peak supercomputing performance.

So, what do video-game graphics have in common with high-end scientific computing? Simulation. "About ten years ago, we observed that the chips we designed for gaming were starting to look more like general purpose processors for simulating physics," says Sumit Gupta, Nvidia's senior director of high performance GPU computing. "When you'd shoot a tree in a video game and it would fall, you'd want it to look natural, so the simulations became more and more complex."

At the same time, redrawing every pixel on an HD laptop screen 60 times per second also requires so-called parallel computation. "This is why GPUs are designed to run hundreds of calculations at the same time very efficiently," says Steve Scott, Tesla chief technology officer at Nvidia. "It turns out that this is very similar to the way high performance scientific computing is done, where you're simulating the climate, or the interactions between drug molecules, or the airflow over a wing."

But where video game physics only have to look real enough to a distracted teenager, supercomputer simulations have to be scientifically accurate down to the level of individual atoms - which is why Titan needs tens of thousands of GPUs all working together on the same problem, not to mention enough Random Access Memory (RAM) to hold the entire simulation in memory at once. (Titan has 710 terabytes of RAM, about as much as a stack of iPads 7km high.)

But supercomputers have been getting along without GPUs for decades. A CPU chip - the same general-purpose silicon "brain" inside your laptop, your smartphone, and every computer at Google or Facebook - can run high-performance scientific calculations, too, if you chain enough of them together. The current fastest supercomputer, IBM's "Sequoia" system at Lawrence Livermore National Laboratory in California, contains over 98,000 CPUs, each with 18 cores.

What GPUs offer that CPUs can't is a blast of relatively cheap, energy-efficient horsepower. Scaling up the Jaguar supercomputer from 1.75 petaflops to 20 could have been done by adding more cabinets stuffed full of CPUs. But those take up space, and more importantly, suck up power. Off-the-shelf GPUs, meanwhile, aren't designed to act self-sufficiently like normal chips - they're add-ons "that accelerate a CPU like a turbo engine," says Gupta - so they consume much less energy than a CPU would to do the same amount of calculating. By bolting a GPU onto each one of the 18,688 AMD Opteron CPU chips already in Jaguar, the DoE was able to create a next-generation

supercomputer without scrapping the one they already had - or blowing up their electric bill.

Bigger is better

The new machine, like any supercomputer, is all about speed: "time to solution," as Jack Wells, director of science for Oak Ridge's computing facility, puts it. "It's about solving problems that are so important that you can't wait," he says. "If you can afford to wait, you're not doing supercomputing." Competition among research projects for "core hours" on Titan is intense. Of the 79 new-project proposals received by Oak Ridge's selection panel, only 19 will run on Titan in 2013.

Winning proposals will apply Titan's computational might to problems in areas such as astrophysics (simulating Type-1A supernovae and core collapses), biology (modeling human skin and blood flow at a molecular level), earth science (global climate simulations and seismic hazard analysis of the San Andreas fault in California), and chemistry (optimizing biofuels and engine combustion turbulence). According to Buddy Bland, project director of the Oak Ridge computing facility, Titan will typically run four or five of these supercomputing "jobs" at once.

But some jobs are so complex that they'll take over Titan entirely. The Princeton Plasma Physics Laboratory, for example, will use all of Titan's computing cores to help design components for the International Thermonuclear Experimental Reactor (Iter), a prototype nuclear fusion project in France. "Their goal is to have this reactor online by 2017," Bland says. "It'll use magnetic fields to circulate plasma through a big donut-shaped reactor at 100 million degrees Fahrenheit. How do you contain that kind of energy? That's what they need Titan to help them figure out."

As fast as Titan is, these simulations can still take days, weeks, or even months to complete. And the very idea of "fast" has a different meaning to computational scientists than it does to users of consumer apps like Photoshop or Final Cut Pro. "It's not so much about running our applications and calculations faster - we want to run them bigger," says Tom Evans, a scientist at Oak Ridge who uses the supercomputer to model nuclear reactor systems. "Maybe that means adding four times more spatial resolution in our simulations, or replacing approximations with more accurate physics. Of course we always like to go faster. But it's less interesting to do the same science faster than it is to do something new that you couldn't even do before."

In other words, bigger is better - and not just for the scientific bragging rights. Having a top-ranked supercomputer on American soil "demonstrates global competitiveness and attracts brainpower," says Jack Wells. Take Jeremy Smith, director of Oak Ridge's Center for Molecular Biophysics, who used to work at the University of Heidelberg in Germany. "I found out that Oak Ridge would have this nice toy to play with," he says, "so I nipped across the pond." (Smith's research on biofuels began on Jaguar and will continue on Titan.)

Power play

Many of the smart people that Titan attracts will use the supercomputer to chart the future of supercomputing itself. So-called petascale machines like Titan and Sequoia can accomplish amazing feats of simulation, like screening millions of potential drug compounds against a target molecule in a single day. But researchers like Jeremy Smith want to do even more.

They envisage an "exascale" computer - a thousand times more powerful than Titan and able to do one quintillion calculations per second (a quintillion is a one with 18 zeroes after it). A machine like this "would have enough computing power to screen tens of millions of drug compounds against all known living protein classes," Smith says. "That means we'll be able to predict if the drug will work and what all the side effects will be - not only generically, but for individual people, based on their own genetic sequences. This is amazing potential."

The trouble with building an exascale machine, however, is the amount of energy required to get there. "If we just scaled up what we're doing today, it would take a couple of nuclear power plants to power," says Buddy Bland. But Wu Feng, who curates an annual list of the world's most energy-efficient supercomputers, is less pessimistic. "The trends indicate that we'll be able to get to the exascale for 50 megawatts," he says. That's about half as much power as Apple and Google's data centers in North Carolina are estimated to use.

But government-funded scientific institutions don't have tech companies' bottomless bank accounts. The DoE wants an exascale computer by 2020 that can run on 20 megawatts of electricity or less. Reaching that goal will require entirely new chip designs that draw even less power than the GPU-accelerated systems like Titan do.

Mobile devices, most of which use chip designs from the UK firm Arm, could offer a way forward. "You've probably noticed that when you put a smartphone in your pocket it doesn't burn through your pants," says Jack Wells. "The same design principle is going to be used in high-performance computing to get to the exascale." Jack Dongarra, a computer scientist at the University of Tennessee whose Top500 list ranks the world's fastest supercomputers, ran benchmarking software on an iPad 2 and found that the tablet was equivalent to some of the fastest supercomputers of the mid-1990s. "That's incredible computing power in your hand," he says. "The Arm processor is clearly capable."

Still, simply lashing together thousands of low-power processors - whether they come from smartphones, gaming consoles, or laptops - does not a supercomputer make. Passing data between all those chips creates bandwidth bottlenecks that limit the total speed of the system. "It's like having two hemispheres of your brain on opposite sides of the room connected by a wire," says Feng. An exascale computer will have to speed up its entire internal network - perhaps by using fibre optic connections between racks of chips, accelerators on every piece of silicon, or both.

Meanwhile, says Buddy Bland, jockeying for the title of "world's fastest supercomputer" will continue, and no single interconnect design or chip architecture is "best." "Whoever has the biggest budget is likely to be in the top spot," he says wryly. "But a healthy

diversity in architectures is a wonderful thing because certain applications can run well on one, and others well on another."

What's indisputable is that supercomputing has become the "third pillar" of doing science, alongside theory and experimentation. The best way to grasp the power of Titan, says Bronson Messer, a computational astrophysicist at Oak Ridge, is not to compare it to a Formula 1 racing car or a turbocharged engine, but to the Large Hadron Collider. "Titan is like the particle accelerator, and the simulations and applications that we run on Titan are like the detectors that discovered the Higgs boson," Messer says. "The size or power of these machines isn't what pushes science forward. It's the people using them, who know what to look for."

Obama on Sunday pledged to put his "full weight" behind a legislative package next year aimed at containing gun violence.

Dec 30, 9:32 AM (ET)

By JIM KUHNHENN

WASHINGTON (AP) - Recalling the shooting of 20 first graders as the worst day of his presidency, President Barack Obama on Sunday pledged to put his "full weight" behind a legislative package next year aimed at containing gun violence.

In an interview with NBC's "Meet the Press," Obama voiced skepticism about proposals to place armed guards at schools in the aftermath of the Dec. 14 deadly assault at Sandy Hook Elementary School in Newtown, Conn.

In his boldest terms yet, he vowed to rally the American people around an agenda to limit gun violence and said he still supports increased background checks and bans on assault weapons and high capacity bullet magazines.

"It is not enough for us to say, 'This is too hard so we're not going to try,'" Obama said. "So what I intend to do is I will call all the stakeholders together. I will meet with Republicans. I will meet with Democrats. I will talk to anybody.

"I think there are a vast majority of responsible gun owners out there who recognize that we can't have a situation in which somebody with severe psychological problems is able

to get the kind of high capacity weapons that this individual in Newtown obtained and gun down our kids. And, yes, it's going to be hard."

Obama's comments come as the schoolroom shooting has elevated the issue of gun violence to the forefront of public attention.

Six adults also died at the school. Authorities say the shooter killed himself and his mother at their home.

The slayings have prompted renewed calls for greater gun controls. The National Rifle Association has resisted those efforts vociferously, arguing instead that schools should have armed guards for protection.

"I am skeptical that the only answer is putting more guns in schools," Obama said. "And I think the vast majority of the American people are skeptical that that somehow is going to solve our problem."

Obama said he intended to press the issue with the public.

"Will there be resistance? Absolutely there will be resistance," he said.

"The question then becomes whether we are actually shook up enough by what happened here that it does not just become another one of these routine episodes where it gets a lot of attention for a couple of weeks and then it drifts away. It certainly won't feel like that to me. This is something that - you know, that was the worst day of my presidency. And it's not something that I want to see repeated."

Besides getting gun violence legislation passed next year, Obama also listed immigration as a top priority for 2013 as well as deficit reduction. A big deficit reduction deal with Republicans proved elusive this month and Obama is now hoping Senate Democratic and Republican leaders salvage a scaled back plan that avoids across the board tax increases for virtually all Americans.

Obama hopes to enact new gun-control measures in 2013

By Meghashyam Mali - 12/30/12
President Obama on Sunday said he would make gun control a priority in his new term, pledging to put his “full weight” behind passing new restrictions on firearms in 2013.

“I'm going to be putting forward a package and I'm going to be putting my full weight behind it,” Obama said in an interview aired on NBC’s “Meet the Press.” “I'm going to be making an argument to the American people about why this is important and why we have to do everything we can to make sure that something like what happened at Sandy Hook Elementary does not happen again.”

In the wake of the Dec. 14 mass shooting at a Newtown, Conn., school, the president has launched a White House task force led by Vice President Biden to present proposals in

January to help stem gun violence. Obama has said that he would seek a broad approach to the problem addressing the role of violence in entertainment and measures to improve mental healthcare.

But he has also called on Congress to move quickly to reinstate the federal assault weapons ban and a ban on the sale of high-capacity magazines.

Obama on Sunday repeated those calls and said he would meet with lawmakers on both sides of the aisles to see action.

“I've been very clear that an assault-rifle ban, banning these high capacity clips, background checks, that there are a set of issues that I have historically supported and will continue to support,” the president said.

More from The Hill:
• NRA says it will fight UN arms treaty
• Feinstein: ‘Bite the bullet,' enact new gun laws
• Dems prep tax-cut bills in case US goes over 'cliff'
• House prepares bills to avoid 'milk cliff'
• EPA nominee would face rocky, uncertain path
• IRS moves forward with health law's employer mandate
• Obama praises Hagel as a ‘patriot’
• Obama: Benghazi investigation has ‘very good leads’

“I'd like to get it done in the first year. I will put forward a very specific proposal based on the recommendations that Joe Biden's task force is putting together as we speak. And so this is not something that I will be putting off."

But the push for heightened gun control will likely face tough political opposition, with the nation’s largest gun lobby, the National Rifle Association (NRA), saying they will oppose any new restrictions.

The group earlier this month held a press conference calling for national program to place armed guards in the nation’s schools, a move they said would be more effective at preventing future tragedies like in Newtown.

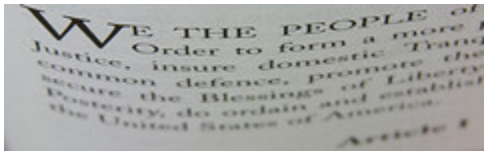
Obama in the interview said that he hoped to involve all “stakeholders” in the national debate over gun violence, but he expressed unease with the NRA’s proposal.

“I am not going to prejudge the recommendations that are given to me. I am skeptical that the only answer is putting more guns in schools. And I think the vast majority of the American people are skeptical that that somehow is going to solve our problem,” he said.

Obama said that he expected even firearm owners to understand the need for new regulations in the wake of the Connecticut shooting spree that killed 20 young children.

“I think there are a vast majority of responsible gun owners out there who recognize that we can't have a situation in which somebody with severe psychological problems is able to get the kind of high-capacity weapons that this individual in Newtown obtained and gun down our kids,” Obama said.

Gun Control Tramples On The Certain Virtues Of A Heavily Armed Citizenry



It is time the critics of the Second Amendment put up and repeal it, or shut up about violating it. Their efforts to disarm and short-arm Americans violate the U.S. Constitution in Merriam Webster's first sense of the term—to "disregard" it.

Hard cases make bad law, which is why they are reserved for the Constitution, not left to the caprice of legislatures, the sophistry and casuistry of judges or the despotic rule making of the chief executive and his bureaucracy. And make no mistake, guns pose one of the hardest cases a free people confronts in the 21st century, a test of whether that people cherishes liberty above tyranny, values individual sovereignty above dependency on the state, and whether they dare any longer to live free.

A people cannot simultaneously live free and be bound to any human master or man-made institution, especially to politicians, judges, bureaucrats and faceless government agencies. The Second Amendment along with the other nine amendments of the Bill of Rights was designed to prevent individuals' enslavement to government, not just to guarantee people the right to hunt squirrels or sport shoot at targets, nor was it included in the Bill of Rights just to guarantee individuals the right to defend themselves against robbers, rapers and lunatics, or to make sure the states could raise a militia quick, on the cheap to defend against a foreign invader or domestic unrest.

The Second Amendment was designed to ensure that individuals retained the right and means to defend themselves against any illegitimate attempt to do them harm, be it an attempt by a private outlaw or government agents violating their trust under the color of law. The Second Amendment was meant to guarantee individuals the right to protect themselves against government as much as against private bad guys and gangs.

That is why the gun grabbers' assault on firearms is not only, not even primarily an attack merely on the means of self-defense but more fundamentally, the gun grabbers are engaged in a blatant attack on the very legitimacy of self-defense itself. It's not really about the guns; it is about the government's ability to demand submission of the people. Gun control is part and parcel of the ongoing collectivist effort to eviscerate individual sovereignty and replace it with dependence upon and allegiance to the state.

Americans provisionally delegated a limited amount of power over themselves to government, retaining their individual sovereignty in every respect and reserving to themselves the power not delegated to government, most importantly the right and power to abolish or replace any government that becomes destructive of the ends for which it was created. The Bill of Rights, especially the Second and Ninth Amendments, can only be properly understood and rightly interpreted in this context.

Politicians who insist on despoiling the Constitution just a little bit for some greater good (gun control for "collective security") are like a blackguard who lies to an innocent that she can yield to his advances, retain her virtue and risk getting only just a little bit pregnant—a seducer's lie. The people either have the right to own and bear arms, or they don't, and to the extent legislators, judges and bureaucrats disparage that right, they are violating the U.S. Constitution as it was originally conceived, and as it is currently amended. To those who would pretend the Second Amendment doesn't exist or insist it doesn't mean what it says, there is only one legitimate response: "If you don't like the Second Amendment, you may try to repeal it but short of that you may not disparage and usurp it, even a little bit, as long as it remains a part of the Constitution, no exceptions, no conniving revisions, no fabricated judicial balancing acts."

Gun control advocates attempt to avoid the real issue of gun rights—why the Founders felt so strongly about gun rights that they singled them out for special protection in the Bill of Rights—by demanding that individual rights be balanced against a counterfeit collective right to "security" from things that go bump in the night. But, the Bill of Rights was not a Bill of Entitlements that people had a right to demand from government; it was a Bill of Protections against the government itself. The Founders understood that the right to own and bear laws is as fundamental and as essential to maintaining liberty as are the rights of free speech, a free press, freedom of religion and the other protections against government encroachments on liberty delineated in the Bill of Rights.

That is why the most egregious of the fallacious arguments used to justify gun control are designed to short-arm the citizenry (e.g., banning so-called "assault rifles") by restricting the application of the Second Amendment to apply only to arms that do not pose a threat to the government's self-proclaimed monopoly on the use of force. To that end, the gun grabbers first must bamboozle people into believing the Second Amendment does not really protect an individual's right to own and bear firearms.

They do that by insisting on a tortured construction of the Second Amendment that converts individual rights into states rights. The short-arm artists assert that the Second Amendment's reference to the necessity of a "well-regulated militia" proves the amendment is all about state's rights, not individuals rights; it was written into the Bill of Rights simply to guarantee that state governments could assemble a fighting force quick, on the cheap to defend against foreign invasion and domestic disturbance. Consequently, Second-Amendment revisionists would have us believe the Second Amendment does little more than guarantee the right of states to maintain militias; and, since the state militias were replaced by the National Guard in the early twentieth century, the Second Amendment has virtually no contemporary significance. Gun controllers would, in effect, do to the Second Amendment what earlier collectivizers and centralizers did to the Tenth Amendment, namely render it a dead letter.

The truth is, the Founders understood a "well regulated" militia to mean a militia "functioning/operating properly," not a militia "controlled or managed by the government." This is clearly evidenced by Alexander Hamilton's discussion of militias in

Federalist #29 and by one of the Oxford Dictionary's archaic definitions of "regulate;" "(b) Of troops: Properly disciplined."

The Founders intended that a well-regulated militia was to be the first, not the last line of defense against a foreign invader or social unrest. But, they also intended militias to be the last, not the first line of defense against tyrannical government. In other words, the Second Amendment was meant to be the constitutional protection for a person's musket behind the door, later the shotgun behind the door and today the M4 behind the door—a constitutional guarantee of the right of individuals to defend themselves against any and all miscreants, private or government, seeking to do them harm.

The unfettered right to own and bear arms consecrates individual sovereignty and ordains the right of self-defense. The Second Amendment symbolizes and proclaims individuals' right to defend themselves personally against any and all threatened deprivations of life, liberty or property, including attempted deprivations by the government. The symbolism of a heavily armed citizenry says loudly and unequivocally to the government, "Don't Tread On Me."

Thomas Jefferson, the author of the Declaration of Independence said, "When governments fear the people, there is liberty. When the people fear the government, there is tyranny."

Both Jefferson and James Madison, the Father of the Constitution, also knew that their government would never fear a people without guns, and they understood as well that the greatest threat to liberty was not foreign invasion or domestic unrest but rather a standing army and a militarized police force without fear of the people and capable of inflicting tyranny upon the people.

That is what prompted Madison to contrast the new national government he had helped create to the kingdoms of Europe, which he characterized as "afraid to trust the people with arms." Madison assured his fellow Americans that under the new Constitution as amended by the Bill of Rights, they need never fear their government because of "the advantage of being armed."

But, Noah Webster said it most succinctly and most eloquently:

"Before a standing army can rule, the people must be disarmed; as they are in almost every kingdom in Europe. The supreme power in America cannot enforce unjust laws by the sword; because the whole body of the people are armed, and constitute a force superior to any band of regular troops that can be, on any pretence, raised in the United States."

That is why the Founders looked to local militias as much to provide a check—in modern parlance, a "deterrent"—against government tyranny as against an invading foreign power. Guns are individuals' own personal nuclear deterrent against their own

government gone rogue. **Therefore, a heavily armed citizenry is the ultimate deterrent against tyranny.**

A heavily armed citizenry is not about armed revolt; it is about defending oneself against armed government oppression. A heavily armed citizenry is not about overthrowing the government; it is about preventing the government from overthrowing liberty. A people stripped of their right of self defense is defenseless against their own government.

Attorney General Secretly Granted Gov. Ability to Develop and Store Dossiers on Innocent Americans

By Kim Zetter

12.13.12

Attorney General Eric Holder. *Photo: Justice Department*

In a secret government agreement granted without approval or debate from lawmakers, the U.S. attorney general recently gave the National Counterterrorism Center sweeping new powers to store dossiers on U.S. citizens, even if they are not suspected of a crime, according to a news report.

Earlier this year, Attorney General Eric Holder granted the center the ability to copy entire government databases holding information on flight records, casino-employee lists, the names of Americans hosting foreign-exchange students and other data, and to store it for up to five years, even without suspicion that someone in the database has committed a crime, according to the *Wall Street Journal*, which broke the story.

Whereas previously the law prohibited the center from storing data compilations on U.S. citizens unless they were suspected of terrorist activity or were relevant to an ongoing terrorism investigation, the new powers give the center the ability to not only collect and store vast databases of information but also to trawl through and analyze it for suspicious patterns of behavior in order to uncover activity that could launch an investigation.

The changes granted by Holder would also allow databases containing information about U.S. citizens to be shared with foreign governments for their own analysis.

A former senior White House official told the *Journal* that the new changes were "breathtaking in scope."

But counterterrorism officials tried to downplay the move by telling the *Journal* that the changes come with strict guidelines about how the data can be used.

"The guidelines provide rigorous oversight to protect the information that we have, for authorized and narrow purposes," Alexander Joel, Civil Liberties Protection Officer for the Office of the Director of National Intelligence, told the paper.

The NCTC currently maintains the Terrorist Identities Datamart Environment database, or TIDE, which holds data on more than 500,000 identities suspected of terror activity or terrorism links, including friends and families of suspects, and is the basis for the FBI's terrorist watchlist.

Under the new rules issued in March, the NCTC can now obtain almost any other government database that it claims is "reasonably believed" to contain "terrorism information." This could conceivably include collections of financial forms submitted by people seeking federally backed mortgages or even the health records of anyone who sought mental or physical treatment at government-run hospitals, such as Veterans Administration facilities, the paper notes.

The Obama administration's new rules come after previous surveillance proposals were struck down during the Bush administration, following widespread condemnation.

In 2002, the Pentagon's Total Information Awareness program proposed to scrutinize both government and private databases, but public outrage killed the program in essence, though not in spirit. Although Congress de-funded the program in 2003, the NSA continued to collect and sift through immense amounts of data about who Americans spoke with, where they traveled and how they spent their money.

The Federal Privacy Act prohibits government agencies from sharing data for any purpose other than the reason for which the data was initially collected, in order to prevent the creation of dossiers, but agencies can do an end-run around this restriction by posting a notice in the Federal Register, providing justification for the data request. Such notices are rarely seen or contested, however.

The changes to the rules for the NCTC were sought in large part after authorities failed to catch Umar Farouk Abdulmutallab before he boarded a plane on Christmas Day in 2009 with explosives sewn into his underwear. Abdulmutallab wasn't on the FBI watchlist, but the NCTC had received tips about him, and yet failed to search other government databases to connect dots that might have helped prevent him from boarding the plane.

As the NCTC tried to remedy that situation for later suspects, legal obstacles emerged, the *Journal* reports, since the center was only allowed to query federal databases for a specific name or a specific passenger list. "They couldn't look through the databases trolling for general 'patterns,'" the paper notes.

But the request to expand the center's powers led to a heated debate at the White House and the Department of Homeland Security, with Mary Ellen Callahan, then-chief privacy officer for the Department of Homeland Security, leading the charge to defend civil liberties. Callahan argued that the new rules represented a "sea change" and that every interaction a citizen would have with the government in the future would be ruled by the underlying question, is that person a terrorist?

Callahan lost her battle, however, and subsequently left her job, though it's not known if her struggle over the NCTC debate played a role in her decision to leave.

CBS News: Eric Holder's 'Fast and Furious' Gun Found At Site Where Mexican Beauty Queen Killed; Holder should be impeached.

by: Sharyl Attkisson

December 18, 2012 1:46 PM

WASHINGTON (CBSDC) – A gun found at the scene of a shootout between a Mexican drug cartel and soldiers where a beauty queen died was part of the botched "Fast and Furious" operation, CBS News reports.

Authorities had said that Maria Susana Flores Gamez was likely used as a human shield and that an automatic rifle had been found near her body after the Nov. 23 shootout.

Sen. Chuck Grassley, R-Iowa, tells CBS News that the Justice Department did not notify Congress that a Fast and Furious firearm was found at the scene in Sinaloa.

CBS News learned the Romanian AK-47-type WASR-10 rifle found near her body was purchased by Uriel Patino at an Arizona gun shop in 2010. Patino is a suspect who allegedly purchased 700 guns while under the ATF's watch.

The "Fast and Furious" operation was launched in 2009 to catch trafficking kingpins, but agents lost track of about 1,400 of the more than 2,000 weapons involved.

Authorities say the ring was believed to have supplied the Sinaloa cartel with guns. Mexico's drug cartels often seek out guns in the U.S. because gun laws in Mexico are more restrictive than in the U.S.

Some guns purchased by the ring were later found at crime scenes in Mexico and the United States.

The operation came to light after Border Patrol Agent Brian Terry was killed in December 2010 by marijuana smugglers who used guns from the "Fast and Furious" operation.

Federal authorities who conducted the operations have faced tough criticism for allowing suspected straw gun buyers for a smuggling ring to walk away from gun shops in Arizona with weapons, rather than arrest them and seize the guns.

Several Republicans have called for the resignation of Attorney General Eric Holder due to the botched operation.

Craig B Hulet was both speech writer and *Special Assistant* for *Special Projects* to Congressman Jack Metcalf (Retired); he has been a consultant to federal law enforcement DEA, ATF&E of Justice/Homeland Security for over 25 years; he has written four books on international relations and philosophy, his latest is *The Hydra of Carnage: Bush's Imperial War-making and the Rule of Law - An Analysis of the Objectives and Delusions of Empire*. He has appeared on over 12,000 hours of TV and Radio: *The History Channel* "De-Coded"; He is a regular on *Coast to Coast* AM w/ George Noory and Coffee Talk KBKW; CNN, C-Span ; European Television "American Dream" and The Arsenio Hall Show; he has written for Soldier of Fortune Magazine, International Combat Arms, Financial Security Digest, etc.; Hulet served in Vietnam 1969-70, 101st Airborne, C Troop 2/17th Air Cav and graduated 3rd in his class at *Aberdeen Proving Grounds Ordnance School* MOS 45J20 Weapons. He remains a paid analyst and consultant in various areas of geopolitical, business and security issues: terrorism and military affairs. Hulet lives in the ancient old growth *Quinault Rain Forest.*