

# ARE PRESIDENTS WHO COVER UP CRIMES MURDEROUS SOCIOPATHS?

Kevin Drum and Adam Serwer are having a MoJo fight over how to respond to the news that Obama intervened to keep journalist Abdulelah Haider Shaye imprisoned. Drum started the debate by asking what I consider a straw man argument: Is President Obama a murderous sociopath? Serwer objected because,

it essentially turns a policy issue into a matter of trusting Barack Obama. Instead of questioning the approach to Shaye's detention, we're invited to consider whether this fine fellow, Barack Obama, is a murderer.

And Drum responded by arguing that there are some times the public is just not going to be informed.

The question, given the legitimate sensitivity of intelligence sources, is whether the U.S. government is required to be entirely transparent about every single action it takes. In this case, President Obama expressed "concern" about the release of Shaye, which caused the Yemeni president to withdraw a pardon that was in the works. Should Obama be required to explain in detail the reasons he did this?

[snip]

The plain fact is that when it comes to terrorism and the intelligence community, there are some cases where the public just isn't going to be informed.

Drum does say he hopes the press asks for more information on this front, but he seems fairly complacent about the possibility that in a democracy citizens are being asked to simply trust the President.

That stance seems to operate in isolation from some things we do know, however. Consider these facts:

**Obama has covered up a number of crimes committed in the name of counterterrorism.**

The kidnapping and torture of Khaled al-Masri. The warrantless wiretapping of American citizens. The kidnapping and torture of Binyam Mohamed—before the torture memos were written.

Those are just a few of the crimes that the Obama Administration has taken affirmative actions—either with state secrets invocations or pressure on our allies—to cover up. It has also pursued habeas appeals in cases where the government has no reliable evidence tying a detainee to al Qaeda, effectively imprisoning someone unnecessarily ... because of political difficulties in Yemen.

**An Obama Administration official insinuated those who try to verify civilian casualties are al Qaeda sympathizers.**

When journalists from the Bureau of Independent Journalism risked their lives to get a real sense of how many civilians had died in drone strikes in Pakistan, an Obama official speaking anonymously suggested that such journalism amounted to support for al Qaeda.

Let's be under no illusions – there are a number of elements who would like nothing more than to malign these efforts and help Al Qaeda succeed.

This, in spite of the fact that TBIJ's report actually debunked some claimed civilian casualties and disproved Pakistani opposition claims of much higher civilian casualties. This, also in spite of the fact that TBIJ reported a

lower level of civilian casualties than the AP did in its own independent reporting released a short time later.

**The Administration spent 3 weeks worrying about the impact of the December 17, 2009 strike in Abyan.**

In Drum's first piece, he dismisses the notion that the Administration might be upset with Shaye's coverage based on ABC's reporting of US involvement in the strike.

Now we get to the part where I wonder what's really going on. Because here's the thing: the attack on al Majala was no secret. It happened on December 17, and the very next day, on its nightly newscast, ABC News reported this:

On orders from President Barack Obama, the U.S. military launched cruise missiles early Thursday against two suspected al-Qaeda sites in Yemen, administration officials told ABC News in a report broadcast on ABC World News with Charles Gibson.

...Until tonight, American officials had hedged about any U.S. role in the strikes against Yemen and news reports from Yemen attributed the attacks to the Yemen Air Force.

....Along with the two U.S. cruise missile attacks, Yemen security forces carried out raids in three separate locations. As many as 120 people were killed in the three raids, according to reports from Yemen, and opposition leaders said many of the dead were innocent civilians.

This story was picked up fairly widely, including in this detailed report from Bill Roggio and in this post from Glenn himself. So while Shaye's photos might have been the kind of smoking-gun proof you'd need in a courtroom, within a few hours of the strike it was common knowledge that U.S. cruise missiles had done most of the damage and that there were local reports of many civilian casualties.

Note that ABC used Shaye's work in this period, so it's possible that Shaye was one source for this story (though he reported fewer civilian casualties than ABC did).

But in any case, the fact that this story got reported doesn't change the Administration's concerns about reporting on this strike.

Consider the detailed assessment of media coverage of the civilian casualties—including the ABC report—in this December 21, 2009 cable circulated to the White House and Secretary of State.

¶12. (C) The ROYG made swift work of announcing the preemptive dawn strikes against al-Qaeda in the Arabian Peninsula (AQAP) in Sana'a and Abyan governorates on December 17. But ABC TV news reports of U.S. intelligence and logistical assistance to the ROYG were picked up on the same day by Yemen's opposition media, and were quickly followed by charges of scores of civilian deaths due to the "joint" airstrikes in Abyan by ROYG and U.S. forces. Opposition demonstrators and media outlets, as well as members of Parliament, have called for an investigation of the civilian deaths in Abyan due to the airstrikes. The story, heavily reported in the international press, of an extensive role by U.S. counter-terrorism forces in assisting

the ROYG will linger as long as interest in the civilian deaths continues.

¶3. (C) Raids against AQAP at dawn on December 17 in Arhab (a suburb of Sanaa) and a training camp located in a village in Abyan's al-Mahfad district were reported immediately by the Ministry of Defense Web site 26sep.com and picked up by local and international media by noon on December 17. Reports of U.S.

logistical and intelligence assistance to ROYG counter-terrorism forces were reported on ABC TV later the same day. That TV broadcast was swiftly reported on the opposition Islah party's Web site, al-Sahwa, repeating assertions of U.S. assistance to the ROYG, and citing unnamed eyewitnesses claiming that 18 children and 41 men and women were among the civilians killed by airstrikes. Also on December 17, al-Jazeera aired footage of civilian casualties and quoted locals as saying that U.S. aircraft were sighted on overflight surveillance on the eve of the airstrikes in Abyan. The official media was slow to respond to rapid coverage critical of the raids by opposition media and to organized protests in the region, instead focusing its initial reporting on AQAP leaders killed or captured in the raids.

OFFICIAL MEDIA DEFENDS STRIKES, DENIES  
U.S. INVOLVEMENT

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¶4. (SBU) By December 18, the regional and international media, led by the report in the New York Times that the U.S. had given intelligence, firepower and other assistance to the ROYG in their raids against AQAP, began to cover the question of U.S. involvement. The sensationalist and often inaccurate Almenpar.net, the Houthis' official Web site, and Iran's PressTV.net both

reported 63 people dead in the raids in Abyan, including 28 children. On December 19, the ROYG went on the offensive, reporting on the MOD's Web site that operations against AQAP militants were targeted to foil suicide bombers planning attacks against Yemeni and foreign installations, that the raids resulted in killing four suicide bombers and arresting four others, and that the attack on the training center in Abyan resulted in the deaths of 24-30 AQAP members. Al-Jazeera, meanwhile, broadcast a report on December 19 that the number killed in Abyan was over 60, according to eyewitnesses, and that most of the deaths were civilians. The satellite channel also showed video of artillery shells with visible serial numbers and claimed that "U.S. warplanes or cruise missiles probably conducted the strike." On December 21, official media attempted to get the damaging story of civilian deaths off the front pages by diverting focus to the war in Sa'ada.

Again on December 21 (these cables seemed to be concerned, in part, about the upcoming strike on December 24), Ambassador Stephen Seche recorded Yemen's wish to continue claiming it—not the US—had conducted the December 17 strike, even while expressing skepticism they'd be able to do so given the likelihood US munitions would be found at the attack site. The cable also made it clear that the US-based reports on US involvement were unauthorized leaks. In a December 27 cable reporting on the Yemeni government's briefing to Parliament about the strikes, the Embassy noted concerns about civilian casualties among even those Yemenis who supported the strikes. It also acknowledged and described the civilian victims: Bedouins who had provided food to al Qaeda members. On January 4, 2010, Saleh complained to David Petraeus about the civilian casualties. On January 11, Seche

reassured that Saleh continued to support US counterterrorism efforts in spite of the three weeks of pressure put on Saleh because of the strike.

Clearly, from the White House on down, the Obama Administration was concerned that pressure arising from the civilian casualties might make Saleh less willing to partner on counterterrorism.

And all that's independent of whether the US wants evidence out there that there were, in fact, civilian casualties whose targeting was of dubious legality.

Now, all these facts don't prove that Obama wanted Shaye kept in prison because of his reporting and not—as the Administration has claimed—because he had an operational role to Al Qaeda (though the insinuation directed at TBIJ suggests the Administration may see them as one and the same thing).

But they do show that Obama is not above going to some lengths to cover up crimes committed in the name of counterterrorism, and they do show that they were concerned about how the particular strike Shaye reported on would affect their counterterrorism efforts.

Which shows that Obama, unsurprisingly, will do what he can get away with—however ethically or legally questionable—to make his counterterrorism efforts easier. I'm not sure that makes him a murderous psychopath—it makes him just like most other Presidents, as unfortunate as that is.

But it does show the importance of doing more than just accepting Administration silence on it.