

CROWLEY: “THE IMPACT ... FOR WHICH I TAKE FULL RESPONSIBILITY”?

While a number of media outlets have reported one line—“The exercise of power in today’s challenging times and relentless media environment must be prudent and consistent with our laws and values”—from PJ Crowley’s resignation statement, I wanted to remark on a few things in the larger statement.

The unauthorized disclosure of classified information is a serious crime under U.S. law. My recent comments regarding the conditions of the pre-trial detention of Private First Class Bradley Manning **were intended to highlight the broader, even strategic impact of discreet actions undertaken by national security agencies every day and their impact on our global standing and leadership.** The exercise of power in today’s challenging times and relentless media environment must be prudent and consistent with our laws and values.

Given the impact of my remarks, for which I take full responsibility, I have submitted my resignation as Assistant Secretary for Public Affairs and Spokesman for the Department of State.

I am enormously grateful to President Obama and Secretary Clinton for the high honor of once again serving the American people. I leave with great admiration and affection for my State colleagues, who promote our national interest both on the front lines and in the quiet corners of the world. It was a privilege to help communicate their many and vital contributions to our national security. And I leave with deep respect for the journalists who report on foreign policy

and global developments every day, in many cases under dangerous conditions and subject to serious threats. **Their efforts help make governments more responsible, accountable and transparent.** [my emphasis]

Note, first of all, the sentence, “Given the impact of my remarks, for which I take full responsibility.” That has been interpreted as a reaffirmation of Crowley’s statement that DOD’s treatment of Manning is “ridiculous, counterproductive, and stupid.” But there’s actually some ambiguity to the statement: the antecedent of “for which” could be “remarks,” as has been interpreted, but it also could be “impact.” Given that Crowley has spent years crafting public statements in which any ambiguity would lead to international incident, I suspect the ambiguity, in a written statement issued during a time of heightened attention, is intentional.

If so, this is Crowley making it clear he intended all this to blow up (remember, too, the participants in the MIT session at which Crowley first made his remarks double checked that his statements were on the record before they posted them).

And he tells us that his intent was to raise attention to the impact that certain actions of our national security agencies have on our international standing.

While I hope Crowley has an opportunity to explain precisely which actions he had in mind—aside from Manning’s treatment, of course—I wanted to point to a CAP paper Crowley wrote in 2008, linked by Rortybomb. The paper as a whole is a sound strategy for counter-terrorism (I’m particularly fond of Crowley’s focus on building resilience at home). As Rortybomb points out, Crowley argues that part of the fight against terrorism must be about remaining on the right side of history.

Most of the world now believes, fairly or not, that America is on the wrong side of history. While the Bush administration acknowledged the vital importance of winning hearts and minds in its revised 2006 counterterrorism strategy, **too often since 2001, U.S. policies have neither matched our values, nor what we preach to the rest of the world. We are perceived, accurately or not, as operating secret and illegal prisons, condoning torture, denying legal rights, propping up autocratic regimes, and subverting fair elections.**

[snip]

More importantly, the United States and its allies need to drive a wedge between affiliated groups and broader communities More importantly, the United States and its allies need to drive a wedge between affiliated groups and broader communities. On this front, Al Qaeda is actually vulnerable. The vision of Islamic society that bin Laden propagates—his bridge to the seventh century—is not shared by the masses. In Iraq and elsewhere, Muslims have turned against bin Laden once they recognized that Al Qaeda's violent attacks largely victimize fellow Muslims.

But turning the tide is simply not possible as long as the United States pursues its current strategy—**occupying Iraq, defending autocratic leaders such as Musharraf and violating international norms regarding torture and the treatment of detainees.** Such actions create the perception of grievance that opens the door to radical recruitment. The key is making this struggle more about Al Qaeda's actions than those of the United States. [my emphasis]

Three years ago, Crowley argued that our detainee policies hurt us in the fight against terrorism. Is it any surprise, then, that he just got himself fired for speaking out against the treatment of Manning. (I suspect Obama's recent embrace of indefinite detention didn't help, either.)

But there's another section of Crowley's paper I find just as relevant—where he talks about the importance of transparency and rule of law.

Restore Government Transparency and Recommit to the Rule of Law

Terrorism, while a serious threat, does not require altering the fundamental relationship between the government and the American people. Even during the Cold War we did not succumb to our worst fears. We should continue to rely on constitutional standards that as Supreme Court Justice Anthony Kennedy put it in *Hamdan v. Rumsfeld*, "have been tested over time and insulated from the pressures of the moment."¹⁷⁴

U.S. courts have consistently demonstrated their ability to deal with complex terrorism cases, even those involving secret and sensitive information. **Rather than being a constraint, treating terrorism as primarily a criminal matter in fair and transparent legal proceedings adds to our political legitimacy at the terrorists' expense.**¹⁷⁵

A key objective should be preserving continuity of and public confidence in government at all levels. Unless the United States is under an overwhelming threat of additional attack, or the impact of an incident completely overwhelms local and state government, the federal response should be to support rather than supplant civilian authority, particularly at the local

level.

Public access to information and open debate is not dangerous, but rather is the essence of democracy that we present to the world as the antidote to violent extremism. The removal of large quantities of public information since 9/11 is counter-productive. Rather than provide information to attackers, excessive secrecy more likely inhibits the development of effective countermeasures.¹⁷⁶

An effective homeland security program may require wider governmental access to personal information, such as telephone calls and emails. But privacy protections must keep pace. Otherwise, perceived intelligence dots may actually be stray bullets that wrongly implicate ordinary citizens. [my emphasis]

With Crowley's reference to the importance of "public access to information" (from his paper) and his celebration of how journalists "help make governments more responsible, accountable and transparent," go back and read the longer transcript of his comment at MIT.

PJC: "I spent 26 years in the air force. What is happening to Manning is ridiculous, counterproductive and stupid, and I don't know why the DoD is doing it. Nevertheless, **Manning is in the right place.**" **There are leaks everywhere in Washington – it's a town that can't keep a secret. But the scale is different. It was a colossal failure by the DoD to allow this mass of documents to be transported outside the network.** Historically, someone has picked up a file of papers and passed it around – the information exposed is on one country or one subject. But this is a scale we've never seen before. If Julian Assange is right and we're in an

era where there are no secrets, do we expect that people will release Google's search engine algorithms? The formula for Coca Cola? Some things are best kept secret. If we're negotiating between the Israelis and the Palestinians, there will be compromises that are hard for each side to sell to their people – there's a need for secrets.

Admittedly, only the Manning comments appear to be a direct quote. But directly after Crowley asserted that Manning is in the right place—effectively endorsing rule of law (as he did in his paper)—Crowley lays into DOD for allowing “this mass of documents” to be leaked. As I have noted, DOD had warning that SIPRNet had a amateurish vulnerability, its ready access to removable media, three years ago. In spite of promises the vulnerability would be permanently fixed for classified networks (that is, for SIPRNet), it failed to do so.

Crowley seems to forge a middle ground, implicitly acknowledging the importance of transparency and pointing to our lack of resiliency as one of the biggest problems with Manning's alleged leaks.

One of the things revealed by WikiLeaks is Department of State pressure on Egypt, under Clinton, to end its indefinite detention under military law. Of all the cables revealing US hypocrisy in its diplomatic affairs, those are the cables that really demonstrate to me how we have lost our moral standing.