

HIS GIRL FRIDAY, BUT AT THE NEW YORK TIMES

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called "Fourth Estate". It seems so trite and antiquated now.

How will an honest press deal with an aberrant malefactor writ large like Donald J. Trump?

It is no longer a test question, it is reality. Do you continue to showcase the malefactors on the supposedly great "Sunday Shows" like ABC, CNN, NBC et. al. did last Sunday? Or do you do a bit of actual courage and work off of the journalism you claim to sit on?

Hey there Chuck Todd, Jake Tapper, George Stephanopoulos and John Dickerson, and others, sooner or later, even the Salena Zito deplorables you have cultivated to the disgrace of this nation, will catch on to your crap.

What will you do then Maggie Haberman, Peter Baker and the New York Times access squad? Hopefully it will not be too late.

NEW YORK TIMES FINALLY ADMITS US

LIED ABOUT ENDING AFGHAN WAR

I will go ahead and say it this time. I told you so. Back in December, the Obama Administration tried its best to create the fiction that the war in Afghanistan was coming to an end. I called bullshit then. Finally, four months later, the New York Times has come to the same realization as well:

Months after President Obama formally declared that the United States' long war against the Taliban was over in Afghanistan, the American military is regularly conducting airstrikes against low-level insurgent forces and sending Special Operations troops directly into harm's way under the guise of "training and advising."

In justifying the continued presence of the American forces in Afghanistan, administration officials have insisted that the troops' role is relegated to counterterrorism, defined as tracking down the remnants of Al Qaeda and other global terrorist groups, and training and advising the Afghan security forces who have assumed the bulk of the fight.

But the US military thinks nothing of gaming the system to bring action where they want it:

Rather than ending the American war in Afghanistan, the military is using its wide latitude to instead transform it into a continuing campaign of airstrikes – mostly drone missions – and Special Operations raids that have in practice stretched or broken the parameters publicly described by the White House.

/snip/

"They are putting guys on the ground in

places to justify the airstrikes,” one of the officials said. “It’s not force protection when they are going on the offensive.”

And it’s not just field-level commanders making these decisions to circumvent the conditions laid out by the White House for fighting:

Commenting on the continuing military operations against the Taliban, the top American commander in Afghanistan, Gen. John F. Campbell, vehemently denied accusations that he was putting troops into harm’s way just to enable more airstrikes.

He has insisted that it is within his purview to target Taliban insurgents who pose a threat not just to American or NATO troops but to any Afghan security forces. And his options on the ground were clear, he said in an interview, even if Washington’s public description of them was not.

“Washington is going to have to say what they say politically for many different audiences, and I have no issue with that,” General Campbell said. “I understand my authorities and what I have to do with Afghanistan’s forces and my forces. And if that doesn’t sell good for a media piece then, again, I can’t worry about it.”

Honey badger John Campbell don’t care about selling a media piece when there are brown people to be droned.

But even this expanded role for US troops over what they are supposed to be doing isn’t helping, as our “trained” Afghan troops continue to lose the war. Buried deep in the article is a leak of classified information that Afghan troop losses this year are running 54% higher than last year’s disastrous level of losses. This

will not be sustainable for very long at all. It seems likely to me that sometime this summer (or at the very least no later than next summer), the Afghan military will simply melt away in the face of Taliban wins on multiple fronts.

NEW YORK TIMES COMES TANTALIZINGLY CLOSE TO ADMITTING “TRAINING” IN IRAQ DOESN’T WORK

In today’s New York Times, Rod Nordland speaks to a number of US troops currently deployed to Iraq yet again to train Iraqi troops. Shockingly, Nordland comes very close to explaining that the current deployment is likely to be meaningless since the repeated failures of earlier training make it likely that the current round of training also is likely to fail:

The current, woeful state of the Iraqi military raises the question not so much of whether the Americans left too soon, but whether a new round of deployments for training will have any more effect than the last.

Yes, indeed. We already know that all of the previous rounds of training Iraqi troops failed miserably. That indisputable fact allows Nordland to pose the question of whether this new round of training could be expected to somehow be successful after all those failures. Since the article offers no description of any changes in strategy or methods in this new round of training, it’s hard to see how the answer is anything other than a strong probability that this round of training also will fail.

The catastrophic demise of Iraq's forces is staggering with the numbers Nordland presents. At its peak, the Iraqi military numbered 280,000. And yet once ISIS advanced, the melting away of multiple whole divisions of troops whittled Iraq down to a force that perhaps was as low as only 50,000. This current training effort, being carried out by 3000 US forces, is expected to add, at best, 30,000 Iraqi troops. Nordland admits, however, that the number is likely to be "far fewer". Despite this depressing math, Nordland doesn't get around to pointing out just how little impact such a small increase in Iraqi forces is likely to have even if their training somehow turned out to be successful.

But don't despair. Our intrepid Speaker of the House is on duty to make sure that we continue repeating our training failures:

Boehner blamed "artificial constraints" on the 4,500 American trainers and advisers to the Iraqi army, suggesting that a slight increase in U.S. troops could occur if the Pentagon's commanders suggested they were needed to help direct fighting against Islamic State forces. "They're only there to train and advise the Iraqi army, and the fact is it's just that – training and advising," he said, dismissing fears that his proposal would lead to tens of thousands of additional U.S. troops locked in another bloody ground war.

"There's more that we can do, with limited risk, and it wouldn't require that many more people," the speaker said.

"Please," Boehner seems to be saying, "Let's get back to a full war in Iraq, but without calling it war." Presumably because the last one worked out so well.

Postscript: Marcy has been the one tracking

maneuvers around the issue of an AUMF (even as recently as yesterday), but the Boehner quote above comes from a larger article about a possible new Iraq AUMF. Boehner is fighting Obama's proposed AUMF. But he's fighting it because he doesn't want Obama to give back some of the unlimited war powers of the Executive:

"Until the president gets serious about fighting the fight, until he has a strategy that makes sense, there's no reason for us to give him less authority than what he has today, which is what he's asking for," Boehner told a group of reporters Tuesday, following his trip with lawmakers to several Middle East hot spots during the congressional recess.

Take that, Mr. President. We won't give you authority for this war until you ask for even more unfettered power than we already grant you!

HEINONEN MOVES DECEPTIVE ANTI-IRAN CAMPAIGN FROM WASHINGTON POST OPINION PAGE TO NEW YORK TIMES NEWS PAGE

Last week, I called attention to the fact that in printing an op-ed by Olli Heinonen (co-authored by Michael Hayden and Ray Takeyh), the Washington Post failed to disclose Heinonen's position on the advisory board of the anti-Iran group United Against Nuclear Iran. One week later, the Post still has not corrected its identification of Heinonen. Today, we see that

Heinonen's deceptive anti-Iran campaign continues, where he appears as a key expert quoted in a front page New York Times article by David Sanger and Michael Gordon. Once again, Heinonen is only identified by his previous IAEA and current Harvard roles, ignoring his more relevant current role with UANI.

Ironically, today's Times story is a follow-up to a story in November in which Sanger committed a glaring error which still has not been noted by the Times. Heinonen's co-conspirator from the Post op-ed, Ray Takeyh, also makes an appearance in today's Sanger and Gordon article, suggesting that their propaganda will remain as a package deal for the duration of the P5+1 negotiations.

Note also that last Monday, the defamation case by Victor Restis against UANI was thrown out by a district court after the Department of Justice successfully intervened to have the case quashed under a claim that state secrets would have been divulged. Writing in Bloomberg View, Noah Feldman mused:

What makes matters worse is the lingering possibility, indeed probability, that what the government fears is not a true threat to national security, but a severe case of embarrassment. It's difficult to escape the conclusion that United Against is a front organization for U.S. intelligence, possibly acting in conjunction with other foreign intelligence services. The allegation that Restis was doing business in Iran seems almost certain to have come from one of these intelligence services. Would acknowledging cooperation between, say, the Central Intelligence Agency and Mossad regarding Iran really upend national security? True, it's a delicate time in the Iran nuclear negotiations. But no one, least of all the Iranians, doubts that U.S. and Israeli intelligence collaborate.

Though Feldman notes that it seems obvious there is an intelligence conduit between the CIA and/or Mossad and UANI and he even notes that disclosing this now would be awkward for the P5+1 negotiations, he should have gone further to note that this intelligence link, and the subsequent selective leaks, seem aimed to disrupt those negotiations and prevent an agreement.

In that same vein, it should be noted that the Sanger and Gordon article focuses only on barriers to an agreement. In addition to Heinonen and Takeyh, the article also sought out comment from John Boehner. No comment was offered in the article from anyone favoring an agreement or suggesting that Iran has abided by the terms of the interim agreement (although they do note IAEA has reported this cooperation) despite Boehner's protestation that the Iranians don't keep their word.

Further, Sanger and Gordon write that Heinonen published a paper on the breakout time needed for Iran to enrich enough uranium to weapons grade to produce a bomb. As a scientist, when I read that someone has published a paper, I assume that means it has appeared in a peer-reviewed journal. Following the link in the Times article for Heinonen's "paper", though, brings one to the website for a think tank, where Heinonen's piece is only referred to as a fact sheet. [And, true to form, the site mentions Heinonen's former IAEA role but not his current UANI role.]

It is impossible for me to escape the conclusion that Olli Heinonen and Ray Takeyh are part of an organized propaganda campaign aimed at disrupting the P5+1 talks and preventing an agreement. This propaganda is eagerly published by a compliant press, with the New York Times, Washington Post and AP among the most recent examples I have noted.

It is long past time for Heinonen to list his UANI affiliation in all his public pronouncements. His refusal to do so can only be

seen as deception on his part and an effort to lend IAEA and Harvard credence to UANI propaganda.

Update: The US has disputed the central claim of the Sanger and Gordon article at the heart of this post. Sanger and Gordon report on that here.

GLARING FRONT PAGE ERROR BY DAVID SANGER, NEW YORK TIMES AS IRAN NUCLEAR NEGOTIATIONS NEAR DEADLINE

See the update below, as of about 2:45 pm, the Times has changed the wording of the erroneous paragraph without adding a note of the correction. Oops. I got off on the wrong paragraph when I checked back. See the comment from Tony Papert below.

For someone who has written on a range of technical issues for many years, the error committed last night by David Sanger could not be worse nor come at a worse time for the important events he is attempting to cover. In an article put up last night on the New York Times website and apparently carried on page A1 of today's print edition, Sanger and the Times have garbled a key point at the heart of the negotiations between Iran and the P5+1 group of nations as they near the critical November 24 deadline for achieving a full agreement on the heels of last year's interim agreement.

The article ostensibly was to announce a major breakthrough in the negotiations, although

Gareth Porter had worked out the details of the progress last week. Here is what Porter deduced:

The key to the new approach is Iran's willingness to send both its existing stockpile of low enriched uranium (LEU) as well as newly enriched uranium to Russia for conversion into fuel for power plants for an agreed period of years.

In the first official indication of the new turn in the negotiations, Iranian Foreign Ministry spokesperson Marzieh Afkham acknowledged in a briefing for the Iranian press Oct. 22 that new proposals combining a limit on centrifuges and the transfer of Iran's LEU stockpile to Russia were under discussion in the nuclear negotiations.

The briefing was translated by BBC's monitoring service but not reported in the Western press.

Undersecretary of State Wendy Sherman, who heads the U.S. delegation to the talks, has not referred publicly to the compromise approach, but she appeared to be hinting at it when she said on Oct. 25 that the two sides had "made impressive progress on issues that originally seemed intractable."

As Porter goes on to explain, such an arrangement would allow Iran to maintain a large number of centrifuges continuing to enrich uranium, but because there would be no stockpile of low enriched uranium (LEU), the "breakout time" (time required to highly enrich enough uranium for a nuclear weapon) would remain at about a year. By having Russia convert the LEU to fuel rods for Iran's nuclear power plant, that LEU would be removed from any easy pathway to a weapon. This would provide Iran the "win" of maintaining its present level of around 10,000 operational centrifuges but give the P5+1

its goal of a longer breakout time. The key here is that unlike a proposal in 2005 where Russia would take over enrichment for Iran, this new proposal would allow Iran to continue its enrichment program while shipping virtually all of its LEU to Russia for conversion to fuel rods.

Sanger appears to start off on the right track with his article:

Iran has tentatively agreed to ship much of its huge stockpile of uranium to Russia if it reaches a broader nuclear deal with the West, according to officials and diplomats involved in the negotiations, potentially a major breakthrough in talks that have until now been deadlocked.

Under the proposed agreement, the Russians would convert the uranium into specialized fuel rods for the Bushehr nuclear power plant, Iran's only commercial reactor. Once the uranium is converted into fuel rods, it is extremely difficult to use them to make a nuclear weapon. That could go a long way toward alleviating Western concerns about Iran's stockpile, though the agreement would not cut off every pathway that Tehran could take to obtain a nuclear weapon.

But about halfway through the article, Sanger displays a shocking ignorance of the real points of recent negotiations and somehow comes to the conclusion that Russia would be taking over enrichment for Iran rather than converting LEU into fuel rods:

For Russia, the incentives for a deal are both financial and political. It would be paid handsomely for enriching Iran's uranium, continuing the monopoly it has in providing the Iranians with a commercial reactor, and putting it in a

good position to build the new nuclear power reactors that Iran has said it intends to construct in the future. And it also places President Vladimir V. Putin at the center of negotiations that may well determine the future of the Middle East, a position he is eager to occupy.

Somehow, Sanger and his New York Times editors and fact-checkers are stuck in 2005, suggesting that Iran would negotiate away its entire enrichment program. Such a drastic move would never be contemplated by Iran today and we are left to wonder whether this language found its way into the Times article through mere incompetence or more nefarious motives meant to disrupt any possible deal by providing false information to hardliners in Iran.

At the time of this writing (just before 9 am on November 4), the Times still has not added any correction or clarification to the article, despite the error being pointed out on Twitter just after 10:30 pm last night (be sure to read the ensuing Twitter conversation where Laura Rozen and Cheryl Rofer work out the nature of the error).

Update: ~~And now, around 2:45 in the afternoon, I see that the Times has changed the erroneous paragraph. So far, I don't see a note that a correction has been made. Here is the edited paragraph:~~

Russia's calculus is also complex. It stands to gain financially from the deal, but it also has an incentive to see the nuclear standoff between Iran and the rest of the world continue, because an embargo keeps Iranian oil off the market. With oil prices falling, a flood of exports from Iran could further depress prices.

~~Will they ever get around to adding a note? I'll~~

~~keep an eye out.~~ Well dang, this is embarrassing. I went to the wrong paragraph when I looked back. The article is still unchanged. Thanks to Tony Papert in comments for catching my bone-headedness.

MORE CATCALLING DEBATE ROOM NEEDED AT NEW YORK TIMES

[Update below]

So, the New York Times today has up another in their series called "Room For Debate". Today's topic is "catcalling", and the supposedly relevant question for debate is "Do We Need a Law Against Catcalling?" The 'debate' is based on the "catcalling video" that has gone somewhat viral the last couple of days. First off, let us stipulate that catcalling is disgusting and reprehensible, and there seems to thankfully be a bipartisan consensus on that. But does the New York Times make it a fair debate when it comes to criminalization of public speech? No, of course not, there are three contributors who specialize in seeking to restrict clear First Amendment speech on this subject against one token policy guy from the ACLU who gives the "whoa, hold on there" position. Hardly a "fair and balanced" fight, but the framing itself makes it crystal clear the Times did not want a fair fight.

Frankly, the fact that the NYT was determined to push the knee jerk attack on free speech side was patently obvious from the fact of their title "Do we Need a Law Against Catcalling" and that is exactly what they put up. Which, considering that the New York Times has led the pantheon of First Amendment law for decades, is a rather astounding and depressing thing. I guess the Times' love and protection of the

First Amendment tails off quickly when their own rear ends and press rights are not on the chopping block. A disturbing position.

This is but the latest example of a growing victim culture trend that is willing to abandon the founding Constitutional principles, and shift inherent burdens of proof, out of emotional angst. There is the attempt to criminalize speech in via so called “revenge porn” laws. There is the astoundingly intellectually backward desire of Ezra Klein to eliminate due process and shift the burden of proof onto the accused – presumed guilt – in state government sponsored punitive proceedings in state universities. And now this.

These are all feel good laws fighting against things that are detestable – revenge porn, non-consensual sex and flat out rape on college campuses, and verbal harassment of women on city streets and in public places. Those are all terrible things that we should all be firmly against, and I am. But just because there are terrible things out there in our world does not mean there is always an appropriate path to eradicate it through ever more broad and vague criminal laws. That is a path our founders took great care to protect against, and one we would do well to keep in mind when emotions try to overcome Constitutional protections.

So, in conclusion, no, we most certainly do NOT need a law against catcalling. Furthermore, in the true spirit of Halloween, I boo and hiss in the general direction of the hypocritical New York Times, who apparently view the First Amendment as protecting them, but not the rest of us non-journalist common citizens.

[Note: It is my belief that this will be one of multiple entries from a group of friends who are either practicing criminal defense attorneys, or heavily involved in the criminal justice system. Our own “More Room For Debate” if you will, because the Times will never seek out actual practicing criminal defense lawyers when talking about, you know, criminal laws. Those in for the

debate, or hopefully contemplating it, are: Scott Greenfield from Simple Justice, Gideon from A Public Defender, and Liliana Segura from The Intercept. All of these people, and their blogs, are simply superb, and you should be reading them. When and if they post their entries at their sites, I will update with links here]

Update 1: And Scott Greenfield has weighed in with his take.

NEW YORK TIMES RUNS POWERFUL OP-ED BY GITMO PRISONER

With the simple title “Gitmo Is Killing Me”, today’s New York Times carries a chilling first-hand account from a hunger-striking prisoner at Guantanamo. Samir Naji al Hasan Moqbel is one of 25 Yemeni prisoners held at Guantanamo who have been cleared for release but are still held because the US feels Yemen is too unstable for the prisoners to return there.

A theme that I keep returning to regarding the hunger strike at Guantanamo is that the military is conducting an information operation to limit damage to its reputation through reducing attention to the harsh treatment guards mete out to the prisoners. That is why, as I pointed out yesterday, Saturday’s operation to shut down the communal areas at the prison and return the prisoners to individual cells was carried out after the ICRC left and at a time when no members of the press were present. With that in mind, the military is very likely to view the publication of this piece as a huge loss of control of the narrative. While they had portrayed the Saturday action as taking place against resistance by the prisoners using

“improvised weapons” (a description that was avidly eaten up by the press), Naji’s account of the pain and humiliation of forced feedings changes the focus from violence by the prisoners to violence being visited upon them.

The Times explains that Naji “told this story, through an Arabic interpreter, to his lawyers at the legal charity Reprieve in an unclassified telephone call”. Given previous behavior by the military at Guantanamo, I hope that they do not use their embarrassment over publication of this piece to limit phone calls from prisoners to their attorneys.

Naji explains his situation:

I’ve been on a hunger strike since Feb. 10 and have lost well over 30 pounds. I will not eat until they restore my dignity.

I’ve been detained at Guantánamo for 11 years and three months. I have never been charged with any crime. I have never received a trial.

Naji is 35 years old, so he has been a prisoner at Guantanamo for nearly a third of his life. He has never been charged. He has never been tried. Is it any wonder that he would give up hope and choose to starve himself to death?

Naji’s account of the forced feedings is horrifying:

There are so many of us on hunger strike now that there aren’t enough qualified medical staff members to carry out the force-feedings; nothing is happening at regular intervals. They are feeding people around the clock just to keep up.

During one force-feeding the nurse pushed the tube about 18 inches into my stomach, hurting me more than usual, because she was doing things so hastily. I called the interpreter to ask the doctor if the procedure was being done

correctly or not.

It was so painful that I begged them to stop feeding me. The nurse refused to stop feeding me. As they were finishing, some of the “food” spilled on my clothes. I asked them to change my clothes, but the guard refused to allow me to hold on to this last shred of my dignity.

Most human rights groups object to the practice of forced feedings of hunger striking prisoners. Carol Rosenberg quotes Physicians for Human Rights:

The U.S. advocacy group, Physicians for Human Rights, argues that force-feeding hunger strikers is a violation of medical ethics.

“If someone who is mentally competent expresses the wish not to be fed or hydrated, medical personnel are ethically obligated to accede to that person’s wishes,” said Dr. Vincent Iacopino, an expert with the rights group. “Under those circumstances, to go ahead and force-feed a person is not only an ethical violation but may rise to the level of torture or ill-treatment.”

At their website, the ICRC explains their position:

The ICRC is opposed to forced feeding or forced treatment; it is essential that the detainees’ choices be respected and their human dignity preserved. The ICRC’s position on this issue closely corresponds to that expressed by the World Medical Association in the Malta and Tokyo Declarations, both revised 2006. The latter states: “Where a prisoner refuses nourishment and is considered by the physician as capable

of forming an unimpaired and rational judgment concerning the consequences of such a voluntary refusal of nourishment, he or she shall not be fed artificially. The decision as to the capacity of the prisoner to form such a judgment should be confirmed by at least one other independent physician. The consequences of the refusal of nourishment shall be explained by the physician to the prisoner."

Naji does a good job of explaining that he has made this conscious choice:

Denying ourselves food and risking death every day is the choice we have made.

And Naji and his fellow hunger strikers tell us that this desperate step is taken with the hope that the world will pay attention to their plight:

I just hope that because of the pain we are suffering, the eyes of the world will once again look to Guantánamo before it is too late.

From its very beginning, Guantanamo has represented efforts by the United States to work around existing laws to house prisoners where they cannot be released by courts. Even after it was learned that many of the prisoners had no connection to terrorism, the government stood firm in its refusal to abide by US and international law. President Obama ran for office on a platform of closing Guantanamo but now cowers behind a claim that Congress blocks him from doing so. Both the US military and its government have tarnished the image of the US as a nation of laws with their opening and operation of Guantanamo. Despite the ongoing crime of continuing to maintain prisoners indefinitely without charge, there is no indication that either the military or the government will ever move toward closing the

prison and repatriating the prisoners who have been cleared.

Given that lack of hope, it should come as no surprise that prisoners would chose to starve themselves to death now rather than await a natural death after several more decades of illegal confinement.

16 WORDS: THE NEW YORK TIMES HAS LEARNED THAT THE US RECENTLY SOUGHT A DRONE BASE IN NIGER

Ten years ago today, George Bush would lay the ground work for a war with these 16 words.

The British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa

Those words were based on a dubious claim that Iraq had tried to purchase yellowcake from Niger.

Today, the NYT reports that the US wants a drone base in northwest Africa, probably Niger.

The United States military command in Africa is preparing plans to establish a drone base in northwest Africa to increase unarmed surveillance missions on the local affiliate of Al Qaeda and other Islamist extremist groups that American and other Western officials say pose a growing menace to the region.

For now, officials say they envision

flying only unarmed surveillance drones from the base, though they have not ruled out conducting missile strikes at some point if the threat worsens.

If the base is approved, the most likely location for it would be in Niger, a largely desert nation on the eastern border of Mali, where French and Malian troops are now battling Qaeda-backed fighters who control the northern part of that country.

As Micah Zenko just noted on Twitter, this base would provide access to conduct drone strikes all over Northern Africa.

And even as the Administration rolls out another front for its drone war, it refuses (or at least refused, as of a few weeks ago) to tell Congress who it is targeting based on what authorization. As Jack Goldsmith has pointed out, conducting drone strikes under such circumstances is not as legally sound as the Administration's use of drones to strike core al Qaeda targets.

Ten years ago today, Bush's 16 words launched us towards an illegal war in Iraq. On this anniversary, we need to ask what kind of illegal wars a base in Niger would lead to.

WHAT THE NEW YORK TIMES DOESN'T WANT YOU TO KNOW

NEW WAPO BOSS, WILL LEWIS, BRAGS ABOUT DICK PIC SNIFFING THAT FAILS TO CORRECT PAST ERRORS

In testimony before Congress, Hunter Biden's former gallerist George Bergès debunked a key premise of the manufactured scandal about payments from art collectors that Matt Viser started back in 2021, that the paintings were being sold for up to \$500,000. Yet Viser didn't tell his readers that in his report on Bergès' testimony.