

US CLIMATE INACTION: BLAME DICK CHENEY

In one of my earliest blog posts ever—one I've lost somewhere—I grappled with why the Bush Administration would choose their Iraq adventure in the face of Peak Oil and climate change.

Why, at the time the US enjoyed its greatest relative power, after Dick Cheney had fought his earliest battles to dodge congressional oversight with his energy task force to study declining readily explorable oil and its alternatives, would the Bush Administration expend America's hegemonic power in an illegal invasion of Iraq?

This post, asking whether the US refuses to do anything about climate change because it will affect the US relatively less than it will affect other countries, reminded me of that post I wrote years ago.

What if the leaders of the United States — and by leaders I mean the generals in the Pentagon, the corporate executives of the country's largest enterprises, and the top officials in government — have secretly concluded that while world-wide climate change is indeed going to be catastrophic, the US, or more broadly speaking, North America, is fortuitously situated to come out on top in the resulting global struggle for survival?

[snip]

What prompted me to this dark speculation about an American conspiracy of inaction was the seemingly incomprehensible failure of the US — in the face of overwhelming evidence that the Earth is heating up at an accelerating rate, and that we are in danger of soon reaching a point of no return where the process feeds itself —

to do anything to reduce either this country's annual production of more atmospheric CO₂, or to promote some broader international agreement to slow the production of greenhouse gases.

The conclusion to that 8 year old post-one I still think is valid—is that in the face of both Peak Oil and climate change, Cheney committed the US to doubling down on the source of its hegemonic power in the belief that by retaining hegemonic power for this period of transition out of oil and into alternatives, it would retain hegemonic power thereafter.

Rather than invest the trillion dollars squandered on Iraq (or even the hundreds of billion they had to know it would cost) to make the US energy self-sufficient and lead the world in climate response, Cheney instead chose to seize the largest source of readily exploitable oil, in the process providing an alternative swing producer to the Saudis, whose citizens and funds attacked us on 9/11 (and remember, Iran was teed up to be overthrown next). By choosing the oil route, I figured, Cheney also chose the route that supported relative unilateralism rather than the cooperation that a real climate change response would and ultimately will require.

So I don't so much think the US has decided it will ride out climate change better than other nations as I think it is intent on retaining its hegemonic position of power, which has been built since 1945 on cheap oil. Sure, the US also seems to have grown comfortable with Neo-Feudalism in the last decade, meaning the elite will happily live in their compounds protected from the instability that climate change will and already has unleashed. And the Global War on Terror will morph unnoticeably into a global counter-insurgency to protect those Neo-Feudal bastions.

But ultimately, I think, this country's elites have decided they must retain their grasp on

power no matter what. And that power rests on oil.

And don't get me wrong. While I think Cheney fully understood the alternatives presented by this choice and made it for the rest of us, I'm not saying Democrats generally or Obama specifically are innocent. Consider Obama's unwavering focus on energy independence, which he often cloaks in a false concern for climate change. US power is currently built off a death embrace with the Saudis. But as news reports increasingly—if prematurely—tout, we're headed for Saudi-level targets of production. That will free us from the troubling demands the Saudis make, shore up our currency, but also keep us precisely where we are, relying on cheap oil to drive our economy and power. That is the goal of Obama's energy choices, not replacing coal with less-polluting gas. And that explains why Obama just started selling off the rest of the Gulf for exploitation.

It's crazy, I know. But I sincerely believe there are top secret discussions that insist if we just keep hold of power during what will undoubtedly be a chaotic fifty years, then we can fix whatever mess we've caused in the interim. If we can just get the oil while the getting is good, I think they believe, we can adjust to what comes later. Even if the Chinese and Koreans and Europeans will have been eating our lunch in developing new technologies, I guess they believe, we'll be able to seize them back when the time comes.

The alternative, of course, one Dick Cheney surely recognized during his energy task force, would be to invest instead in a Manhattan project of alternative energy and to dissolve our power into the cooperative structures that will be needed in the face of climate change. That was not, and remains not, a viable option for a top American national security figure.

And so we—and the rest of the world—will melt as a result.

BREAKING: PANETTA EQUATING CRUDE IRANIAN CYBERATTACKS WITH PEARL HARBOR, IRAN INFILTRATED ARAMCO

Today, the NYT—serving its role as spokesperson for the Cold War against Iran—confirms what blabby Joe Lieberman told CSPAN last month: the government suspects Iran was behind a series of crude cyberattacks on US banks.

Or to put it differently, Leon Panetta wants us to be more afraid of crude DNS attacks on US online banking sites than he wants us to be of the orders of magnitude greater damage the banks cause all by themselves. Because ... Iran!

More interesting is the widely reported speculation we think Iran was behind the more serious attack on Aramco.

The attack under closest scrutiny hit Saudi Aramco, the world's largest oil company, in August. Saudi Arabia is Iran's main rival in the region and is among the Arab states that have argued privately for the toughest actions against Iran. Aramco, the Saudi state oil company, has been bolstering supplies to customers who can no longer obtain oil from Iran because of Western sanctions.

The virus that hit Aramco is called Shamoon and spread through computers linked over a network to erase files on about 30,000 computers by overwriting them. Mr. Panetta, while not directly

attributing the strike to Iran in his speech, called it “probably the most destructive attack that the private sector has seen to date.”

Until the attack on Aramco, most of the cybersabotage coming out of Iran appeared to be what the industry calls “denial of service” attacks, relatively crude efforts to send a nearly endless stream of computer-generated requests aimed at overwhelming networks. But as one consultant to the United States government on the attacks put it several days ago: “What the Iranians want to do now is make it clear they can disrupt our economy, just as we are disrupting theirs. And they are quite serious about it.”

That’s interesting not because the attack did real damage—it didn’t, because it hit the business, not the production, computers.

Saudi Aramco has said that only office PCs running Microsoft Windows were damaged. Its oil exploration, production, export, sales and database systems all remained intact as they ran on isolated and heavily protected systems.

“All our core operations continued smoothly,” CEO Khalid Al-Falih told Saudi government and business officials at a security workshop on Wednesday.

“Not a single drop of oil was lost. No critical service or business transaction was directly impacted by the virus.”

It’s interesting because the malware was introduced into the Aramco network by an insider.

One or more insiders with high-level access are suspected of assisting the

hackers who damaged some 30,000 computers at Saudi Arabia's national oil company last month, sources familiar with the company's investigation say.

[snip]

The hackers' apparent access to a mole, willing to take personal risk to help, is an extraordinary development in a country where open dissent is banned.

"It was someone who had inside knowledge and inside privileges within the company," said a source familiar with the ongoing forensic examination.

Once you translate the NYT's spin, here's what we're left with:

- We're supposed to treat cyberattacks by Iran as an existential threat, even though they expose Iran's relative impotence in the cyber sphere.
- We're supposed to get panicked about computers here at home because Iran succeeded in human espionage with Aramco.

And while Panetta cries wolf over and over, the banksters and the oil companies continue to real damage he ignores.

PANETTA MISSES

UNDERLYING PROBLEM WITH CYBERWHINES

We can play a game we often play here at emptywheel with Leon Panetta's address on cybersecurity last night. For each major attack he discusses or potential threat he envisions, there is an equivalent one that has or could easily happen without the cyber component.

Panetta talks about the Shamoon malware that hit Aramco infecting 30,000 computers.

But even more alarming is an attack that happened two months ago when a very sophisticated virus called Shamoon infected computers in the Saudi Arabian State Oil Company Aramco. Shamoon included a routine called a 'wiper', coded to self-execute. This routine replaced crucial systems files with an image of a burning U.S. flag. But it also put additional garbage data that overwrote all the real data on the machine. More than 30,000 computers that it infected were rendered useless and had to be replaced. It virtually destroyed 30,000 computers.

But how did that do more damage than the Richmond Refinery fire and subsequent spike in gas prices, likely caused by a corroded pipe neglected in a recent turnaround? How did that do more damage than the damage BP, Transocean, and Halliburton did when their negligence led to the Deepwater Horizon spill, which still appears to be leaking 31 months later?

Panetta talks about DDS attacks on banks that disrupted customer websites.

In recent weeks, as many of you know, some large U.S. financial institutions were hit by so-called Distributed Denial of Service attacks. These attacks delayed or disrupted services on

customer websites. While this kind of tactic isn't new, the scale and speed with which it happened was unprecedented.

How is this worse than the damage done by repeated flash crashes and other irregularities caused by high frequency trading? To say nothing of the damage done by reckless gambling during the housing crisis, which wiped out trillions of dollars in wealth?

Panetta talks about passenger or transport trains derailing.

They could, for example, derail passenger trains or even more dangerous, derail trains loaded with lethal chemicals.

Apparently Panetta is unaware that trains derail all the time, and even spill dangerous chemicals, often because of operational or maintenance issues.

To some degree we could continue this game indefinitely, always finding an equivalent threat to the imagined or real threat posed by a cyberattack.

But there is a logic to the game: it reveals not only that Panetta is fearmongering while ignoring the reality of equally or more dangerous non-cyber threats.

It suggests that he—and frankly, the rest of government trying to address this problem—misunderstands why corporations are not responding to the serial fearmongering about cyber. If corporations refuse to take obvious precautions against cyberthreats, but also refuse to take obvious precautions against non-cyberthreats, it suggests the problem is not the cyber component in the least.

The problem is that these corporations don't want to—and in many cases refuse to—take obvious precautions against risk in general.

This suggests, then, that these corporations have not been given the sufficient combination of carrot and stick **generally** to mitigate obvious risks. And giving them immunity for cyber-negligence is likely not going to mitigate the threat reckless, negligent corporations pose to our society, whether because our enemies cause them to do things, or whether they do them of their own accord.

The problem is a culture that encourages corporations to skirt all accountability. No amount of fancy programmers are going to change that by themselves.

DOJ'S TWISTED NOTION OF RULE OF LAW IS POISONING OUR COUNTRY

Yesterday, Tim DeChristopher was sentenced to 2 years and a \$10,000 fine for his successful efforts to expose an improper BLM drilling auction.

At his hearing, DeChristopher rebutted the prosecution's claim that he needed to face a tough sentence to uphold rule of law.

Mr. Huber also makes grand assumptions about my level of respect for the rule of law. The government claims a long prison sentence is necessary to counteract the political statements I've made and promote a respect for the law.

[snip]

This is really the heart of what this case is about. The rule of law is dependent upon a government that is willing to abide by the law. Disrespect

for the rule of law begins when the government believes itself and its corporate sponsors to be above the law.

Mr. Huber claims that the seriousness of my offense was that I “obstructed lawful government proceedings.” But the auction in question was not a lawful proceeding. I know you’ve heard another case about some of the irregularities for which the auction was overturned. But that case did not involve the BLM’s blatant violation of Secretarial Order 3226, which was a law that went into effect in 2001 and required the BLM to weigh the impacts on climate change for all its major decisions, particularly resource development. A federal judge in Montana ruled last year that the BLM was in constant violation of this law throughout the Bush administration. In all the proceedings and debates about this auction, no apologist for the government or the BLM has ever even tried to claim that the BLM followed this law. In both the December 2008 auction and the creation of the Resource Management Plan on which this auction was based, the BLM did not even attempt to follow this law.

[snip]

I’m not saying any of this to ask you for mercy, but to ask you to join me. If you side with Mr. Huber and believe that your role is to discourage citizens from holding their government accountable, then you should follow his recommendations and lock me away. I certainly don’t want that. I have no desire to go to prison, and any assertion that I want to be even a temporary martyr is false. I want you to join me in standing up for the right and responsibility of citizens to challenge their government. I want you to join me

in valuing this country's rich history
of nonviolent civil disobedience.

And in response, of course, the judge did lock DeChristopher away. It's a farce given the facts of the case, but consider how it looks when, as DeChristopher invites, you consider DOJ's other efforts to "uphold rule of law."

Compare the damage—if any—DeChristopher's actions did to that which BP has done. As bmaz noted in April, a year after the Macondo explosion, no one has yet been held accountable for 11 deaths, to say nothing of the physical damage to the Gulf. And as Jason Leopold recently reported, our unwillingness to heed whistleblowers has led to more damage from BP. Part of the problem, of course, is the difficulty finding a judge without a financial interest in BP.

Or compare DeChristopher's punishment with that of Massey energy. DOJ has records that Massey faked safety records for the Big Branch mine, yet over a year after 29 people were killed, no one has been held responsible. Don Blankenship not only got to retire with \$12 million, he continues to get paid by the company as a "consultant."

Or compare DeChristopher's punishment with that of Angelo Mozilo or Lloyd Blankfein. Between them, they had a huge role in causing Americans trillions of dollars in preventable losses. After fining Mozilo \$67 million he won't pay personally, DOJ judged that Mozilo's actions did not constitute criminal wrongdoing, so he remains free to enjoy his corruptly gained riches. And in spite of the apparent fact that Blankfein lied to Congress last year about the ways Goldman crashed the economy, DOJ has only now begun to make motions of investigating his lies.

And consider the others who tried to expose government wrong-doing. The government spent three years trying to prosecute Thomas Drake for

whistleblowing—apparently because they suspected he leaked details of the illegal wiretap program. And it is currently pursuing a strategy that may land James Risen in prison—Risen says, in retaliation for his reporting on the illegal wiretap program. Yet DOJ went to great lengths to avoid holding anyone responsible for actually doing the illegal wiretapping.

We're about to try Abd al Rahim al-Nashiri for his alleged role in the USS Cole bombing, which is fine. But the government not only hasn't punished his torturers, but it hasn't punished those who destroyed exonerating evidence of his torture.

DOJ has apparently given up any pretense of supporting the rule of law. The law is a tool used to punish political protest and exposure of wrong-doing. And it is a tool to protect the corporations whose crimes do far more damage to this country.

John Robb recently predicted that after a Soviet-style collapse, our legal system will collapse.

What happens to the legal system when the US suffers a Soviet style collapse?

Answer: It will rapidly decay.

Here's a simple formula for this (it works for both legal systems and government bureaucracies):

Low legitimacy + slashed operating budgets = rampant corruption

Regardless of any decay in the legal system, business will still be conducted. Small disputes will be resolved through the existing system, with graft tipping the scales or speeding the outcome. Large disputes involving substantial wealth transfer will be something else entirely. These disputes will be resolved through the ability of one party or the other to apply the threat of (or actual) violence

to the negotiation process.

These pressures won't only be the result of counterparties that have access or control the large mafias/gangs/militias (or corporate militaries) that will spring up during economic collapse (far larger than we've seen the US to date).

Threats will also be mounted by government/defense/security officials that use their government sanctioned command of violence (police, SWAT, military units, etc.) as a means to personal enrichment.

But (as his suggestion about the impunity people like Mozilo and Blankfein were given shows) he gets the chronology wrong. Aside from the bribed BP judges, it's not corruption per se that is collapsing our judicial system. It's the apparently conscious choice on the part of the government to void the concept of rule of law, the choice to treat political speech and whistleblowing as a much greater crime than the corporate crimes that have devastated our country.

I think DeChristopher is right: seeing his sentence isn't going to scare anyone into cowing in the face of such a capricious legal system. Rather, it makes it clear what the stakes are.

DOJ SITS ON ITS THUMBS A YEAR AFTER MACONDO'S MOUTH OF HELL ROARED

A year after Macondo the Mouth of Hell roared in the Gulf of Mexico, forever altering the ecology and lives of those who depend on the Gulf for

their existence, it is business as usual for BP and a complicit Department of Justice.

TORTURE? CHECK. COVERING UP TORTURE? CHECK. RULE OF LAW? NOPE.

I think it was the timing of the end of the torture investigation that hurts most of all. Just days ago, Harold Koh was boasting of the Durham investigation to the UN. Then Bush started his dog and pony show, including his proud admission to have ordered up torture. All of which made today's announcement, that no one will be charged for covering up evidence of torture, almost anti-climactic.

Of course no one will be charged for destroying the evidence of torture! Our country has spun so far beyond holding the criminals who run our country accountable that even the notion of accountability for torture was becoming quaint and musty while we waited and screamed for some kind of acknowledgment that Durham had let the statute of limitations on the torture tape destruction expire. I doubt they would have even marked the moment—yet another criminal investigation of the Bush Administration ending in nothing—it if weren't for the big stink bmaz has been making. Well, maybe that's not right—after all, Bob Bennett was bound to do a very public victory lap, because that's what he's paid for.

The investigation continues, DOJ tells us, into obstruction of the Durham investigation itself. Maybe they think they've caught someone like Porter Goss in a lie. But at this point, that almost seems like a nice story the prosecutors

are telling themselves so they can believe they're still prosecutors, so they can believe we still have rule of law in this country.

This inquiry started long before Obama started looking forward, not backward. It started before the White House allowed the Chief of Staff to override the Attorney General on Gitmo and torture. It started before we found out that someone had destroyed many of the torture documents at DOJ—only to find no one at DOJ cared. It started before the Obama DOJ made up silly reasons why Americans couldn't see what the Vice President had to say about ordering the leak of a CIA officer's identity. It started before the Obama White House kept invoking State Secrets to cover up Bush's crimes, from illegal wiretapping, to kidnapping, to torture. It started at a time when we naively believed that Change might include putting the legal abuses of the past behind us.

This inquiry started before the Obama Administration assumed the right to kill American citizens with no due process—all the while invoking State Secrets to hide that, too.

This inquiry started before Bush and then Obama let BP get away with serial violations of the laws that protect our workers and environment, and then acted surprised when BP ruined our Gulf.

This inquiry started before Obama helped to cover up the massive fraud committed by our banks, even while it continued to find ways to print money for those same banks. It started, too, before the Obama Administration ignored mounting evidence that banks—the banks employed by taxpayer owned Fannie and Freddie—were foreclosing on homes they didn't have the legal right to foreclose on, going so far as to counterfeit documents to justify it. This inquiry started when we still believed in the old-fashioned principle of property rights.

This inquiry started before banksters got excused when they mowed down cyclists and left

the scene of the crime, because a felony would mean the bankster would lose his job.

The ACLU's Anthony Romero reacted to this news saying, in part, "We cannot say that we live under the rule of law unless we are clear that no one is above the law."

I think it's clear. We cannot say we live under the rule of law.

THE WISHING WELL: IS MACONDO THE MOUTH OF HELL SILENCED?

For the first time since Macondo, the Mouth Of Hell, first blew out in a fiery explosion on April 20, killing eleven men in the process, BP seems to have the well under control and there appears to be no hydrocarbons leaking into the waters of the Gulf of Mexico.

ARE DOJ AND DOI MAKING A COMPETENT LEGAL EFFORT ON GULF MORATORIUM?

If the Obama Administration and Interior Department Secretary Ken Salazar truly believe in the propriety of their six month moratorium, and are dedicated to fighting through appeal for it, why are their lawyers not acting like it? Are they really not trying because they really don't care, or are they just sloppy and incompetent? It is one or the other.

JUDICIAL ETHICS IN THE GULF: JUDGE FELDMAN'S CONFLICTS AND DOJ MALPRACTICE

Oiled up BP Judge Martin Feldman was required by both statutory and ethical considerations to recuse himself; at a absolute base minimum to disclose his appearances of conflict on the record; but he did neither. Any competent standard of lawyering would mandate the government to raise the issue if they are going to fight Feldman's ruling; but they have not. The public ought to be asking what the hell is going on here.

OBAMA DRILLING MORATORIUM OVERTURNED IN CURIOUS COURT DECISION

The breaking news this hour is the decision of Judge Martin L. C. Feldman of the Eastern District of Louisiana to grant a preliminary injunction to the moving plaintiff oil and gas interests and against the Obama Administration's six month moratorium on deepwater drilling for oil in the Gulf of Mexico. It is a bad decision.