

DANGEROUS CENSORED DOCUMENTS, IN SOVIET RUSSIA AND WAR ON TERROR AMERICA

Yesterday, in announcing the public release of documents relating to CIA's publication of a Russian edition of Dr. Zhivago, the CIA bragged (justifiably) about its Cold War success in making books Warsaw Pact governments had banned available within those countries.

In a memo dated April 24, 1958 a senior CIA officer wrote: "We have the opportunity to make Soviet citizens wonder what is wrong with their government when a fine literary work by the man acknowledged to be the greatest living Russian writer is not even available in his own country [and] in his own language for his people to read."

[snip]

Obtaining, publishing, and distributing banned books like *Doctor Zhivago* was an important Cold War-era success story for the CIA.

Even as CIA was declassifying the documents underlying Peter Finn's book on this topic, the 9/11 Gitmo trial was being stalled, once again, by issues arising from the Court's fragile Constitutional foundation.

The issue, this time, makes for ironic comparison with CIA's boasts of making banned texts available to societies where the government was too fragile to release such texts.

On Monday, the 9/11 defense lawyers revealed that their Defense Security Officer had been recruited as an informant by the FBI as part of

an investigation into how an unclassified 36-page tract written by Khalid Sheikh Mohammed became available to the HuffPo.

The Gitmo prosecutors claim to have no knowledge of the FBI investigation.

At Monday's hearing, the judge pointedly asked the prosecutor, Army Brig. Gen. Mark Martins, if his prosecution team was "aware of this visit" by two agents to the bin al Shibh team member's house on Sunday, April 6, to question him after church. At issue, in part, was how the Huffington Post and Britain's Channel 4 television got a copy of the Mohammed commentary.

"No, we were not," Martins replied – even before the judge had finished his question.

[snip]

At the prison, spokesman Navy Cmdr. John Filostrat on Monday night replied to a question of whether the prison staff asked the FBI to investigate the document this way: "I am unaware of any investigation and won't get into ongoing legal proceedings, anyway."

Tuesday, a Pentagon spokesman said that while Martins did give the FBI the copy of the Mohammed document neither the chief prosecutor "nor the prosecution team had any idea that an investigation was launched."

"He gave it to the FBI to maintain as evidence in event that there could at some point be an investigation," said Army Lt. Col. Todd Breasseale, "and in the event that it is determined that releasing [Mohammed's 36-page commentary] was unlawful."

Nevertheless, it appears someone requested an investigation into the disclosure. And DOJ's

part of the prosecution team suggests the judge would infringe on Executive Branch privileges if he investigates the FBI investigation.

Separately, a lead case prosecutor, Ed Ryan of the Justice Department warned the judge against asking to question the FBI agents who visited a defense team member.

"Your Honor is suggesting that you want to investigate an ongoing investigation. There are numerous government privileges that would be at stake," Ryan said at the hearing. "I think the commission would be greatly mistaken to go down a road of trying to look inside an ongoing investigation being conducted by the Federal Bureau of Investigation if, in fact, one exists."

Defense Attorneys also complained that a (perhaps now former) member of the Prosecution team is the Chief of Staff to FBI Deputy Director Mark Giuliano.

And then finally, there's a member of the trial team, Ms. Baltes, who is also – who also serves as the Chief of Staff to the Deputy Director of the FBI. And I appreciate counsel's unequivocal statement that the prosecution was not aware of this investigation, did not know – did not know that an investigation was taking place and did not direct FBI agents to go and try to penetrate Mr. Harrington's team, but somebody did, and somebody at the FBI did. And I don't think it's too much of a leap to imagine that when a member of the trial team has a dual role as the Chief of Staff to the Deputy Director of the FBI, that there could be an interface there, and I think it would be appropriate to examine Ms. Baltes as well.

Joanna Baltes happens to have been the lawyer who, in January, refused to admit in public that the CIA had installed a means to censor Gitmo proceedings, unbeknownst to the Judge. Is she, once again, answering to the CIA above and beyond her obligations to a court purportedly delivering independent justice?

So our attempt to hold the perpetrators for 9/11 responsible for their crimes has once again ground to a halt as the Judge investigates whether and why (and at whose behest) the FBI is investigating the release of KSM's unclassified writings.

Americans might ask, like Russians before them, "wonder what is wrong with their government" that we must delay justice in the 9/11 attack because someone made a shitty tract from KSM publicly available.

Don't get me wrong. Unlike Boris Pasternak's novel, KSM's tract is not literature, not even close. I doubt it is even effective propaganda (though I'm not his audience, which would be a religious but discontented person; its message and messaging feels similar to me as that used in the Creation Museum).

Nevertheless, clearly our government must believe it is dangerous, to have thus raised its value by turning it into a criminal case.

Perhaps the most inflammatory part of KSM's tract is that he is not – or at least claims not to be – broken.

With my current condition, I live in solitary confinement, but I am very happy in my cell because my spirit is free even while my body is being held captive.

[snip]

Perhaps a poor detainee may be happy while being water-boarded or tortured or even in solitary confinement where he can't see the sun or the moon.

Particularly as attention turns back to CIA's false claims about torture, especially KSM's torture, the claim that it not only didn't produce intelligence, but didn't succeed in instilling the learned helplessness the torturers promised they could scientifically impose may well seriously damage the government. What does it mean that KSM portrays his own faith as so powerful that not even the CIA's brutish abuse can break him? What if Americans were to take this seriously, that KSM's faith could withstand all the force the CIA threw at him?

In any case, with its effort to criminalize the dissemination of this crappy tract, the government seems to be proving true one claim KSM made, about our and other democratic states' Deep States.

Every democratic country in the west has a constitution, an executive branch, a judicial branch, and a legislative branch. They also have a big black box above and beyond these branches that implements all that it sees as being in the interest of the country or ruling party without consideration for any constitution, morality, religion, or principle. This black box is called Intelligence and its authority supersedes all other considerations.

The government believes these claims – and pages of tedious theological arguments – must be met by criminal investigation and perhaps punishment.

What is wrong with our government that punishment for the release of tedious propaganda must take precedence over a feeble attempt to deliver justice?