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No More Looking Back...Unless You've Embarrassed Us

Jesse Walker | April 16, 2010

Julian Sanchez has posted some **sharp comments** about Thomas Drake, the NSA whistleblower facing charges for leaking information to the Baltimore *Sun*. Sanchez concludes:

the contrast between the reaction to Drake and the non-reaction to other forms of lawbreaking makes the standard in effect for Bush-era misdeeds clear: If you illegally gathered information on members of the public, Obama's DOJ would rather let sleeping dogs lie. If you illegally tried to get information *to* the public, you'd better lawyer up. From Main Justice to Fort Meade, message received.

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ChicagoTom | 4.16.10 @ 12:40PM | #

Glenn Greenwald had a good post about this too.

An Excerpt:

Let's spend just a moment thinking about what this means. We've known since December, 2005, that Bush officials, including at the NSA, committed felonies by eavesdropping on Americans without the warrants required by law—crimes punishable by a five-year prison term and \$10,000 fine for each offense. All three federal judges to rule on the question have found those actions to be in violation of the law. Yet there have been no criminal investigations, let alone indictments, for those crimes, and there won't be any, due to Barack Obama's dictate that we "Look Forward, Not Backward." Thus, the high-level political officials who committed crimes while running the NSA will be completely immunized for their serious crimes.

By stark contrast, an NSA official who brought to the public's attention towering failures and waste at the NSA —revelations that led to exposés that, as Shane put it, were "honored with a top prize from the Society for Professional Journalists"—is now being prosecuted for crimes that could lead to a lengthy prison term. Why doesn't Obama's dictate that we "Look Forward, Not Backward," protect this NSA whistle-blower from prosecution at least as much as the high-level Bush officials who criminally spied on American citizens? Isn't the DOJ's prosecution of Drake the classic case of "Looking Backward," by digging into Bush-era crimes, controversies and disclosures?

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J sub D | 4.16.10 @ 12:40PM | #

Obligatory lyrics -

Estate tax relief expires Dec 31, 2010, if not sooner. How can I preserve my legacy and promote liberty at the same time?

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No More Looking Back...Unless You've...

I'll tip my hat to the new constitution
 Take a bow for the new revolution
 Smile and grin at the change all around me
 Pick up my guitar and play
 Just like yesterday
 And I'll get on my knees and pray
 We don't get fooled again
 Don't get fooled again

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All Politics is Loco | 4.16.10 @ 1:09PM | #
 Barack Obama is a god damn thug.

[reply to this](#)

Michael B Sullivan | 4.16.10 @ 1:24PM | #

This is the kind of thing that our progressive compatriots would do well to internalize:

1. It's very difficult to tell who is truly committed to humanizing out-of-control bureaucracies. Even Obama, who basically owes his prominence to criticizing Bush's military and intelligence expansions of power, doesn't necessarily fight hard in office.

2. The institutional inertia of a large federal agency is formidable. Even if you do have people who are interested in reform at the top of it (and I do think that Obama is interested in reform, though not as interested as we would wish), they'll often steamroll over their nominal bosses.

These are principles which, I believe, go well beyond the Bush-era military and intelligence agencies.

[reply to this](#)

Utilitarian Douche | 4.16.10 @ 1:29PM | #
 It's for the common good.

[reply to this](#)

John | 4.16.10 @ 1:30PM | #

Perhaps all leakers should be prosecuted. I can understand why the NSA would not want our enemies to know how they fucked this program up. If this guy was so dedicated, why didn't he go to Congress or the IG instead of the NYT? You act like revealing any mistake by the government is an unqualified good. That is not true.

[reply to this](#)

virginia | 4.16.10 @ 1:41PM | #

If this guy was so dedicated, why didn't he go to Congress or the IG...

So they're prosecuting him for telling the media that the govt wastes money? How can there be prison time for that?

[reply to this](#)

Tulpa | 4.16.10 @ 1:43PM | #

So, John, your position is that al-Qaeda is an existential threat to our nation unlike any that has ever been seen before, AND they're unaware of the fact the NSA is eavesdropping on them unless they read about it in the New York Times.

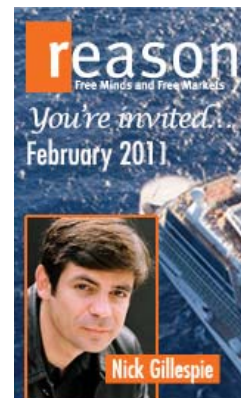
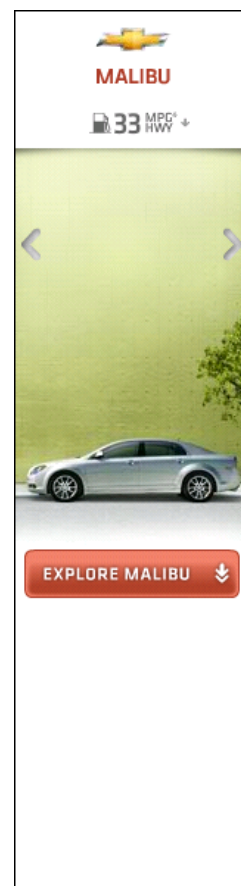
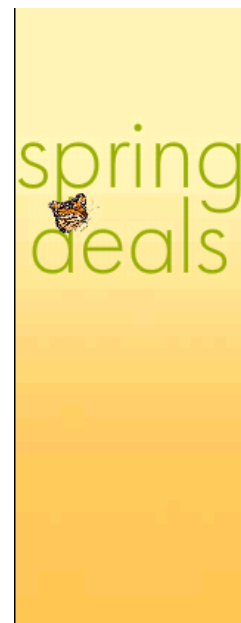
As I've said many times before: existential threat or bumbling idiots -- pick one.

[reply to this](#)

John | 4.16.10 @ 1:58PM | #

You miss the point. Just because it is a mistake doesn't mean that it is not damaging to the government and a really bad idea to release it.

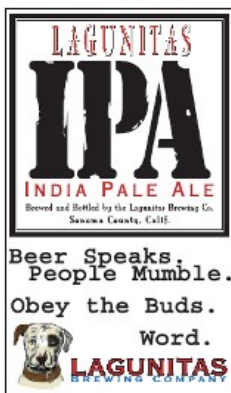
Take Dunkirk for instance. The British Army was kaput after Dunkirk. There were literally like 11 tanks in the country. Now, didn't the British public have a "right to know" about the British Army's waste and incompetence in France? Sure they did. But there is a bigger





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interest in making sure that the German's didn't realize how dire the conditions in the country were. Had someone leaked that information to the press and told the Germans how easy an invasion would have been, they clearly would have been committing treason not good government.

Same thing is probably true here. I don't think giving our enemies a blow by blow of every fuck up helps the situation much. Congress? Sure. I am not saying don't hold the NSA responsible. I am just saying there is more at stake here than just "don't embarrass us".

[reply to this](#)

[Lost_In_Translation](#) | 4.16.10 @ 2:25PM | #

This is a complete strawman argument. We are not in danger of complete collapse because our government wasted some money on a stupid program that failed to get any terrorists while exposing a whole bunch of innocent civilians to overbearing scrutiny.

[reply to this](#)

[J sub D](#) | 4.16.10 @ 3:50PM | #

Guess what John?

I can tell the difference between a legitimate military or intel secret and somebody putting a TS on an embarrassing or criminal act to keep it away from the public.

I ain't all that fuckin' special either.

[reply to this](#)

[Tulpa](#) | 4.16.10 @ 5:25PM | #

By that logic, we should have suspended elections in 2006 lest the terrorists think the US was likely to pull out of Iraq, as the Democrats wanted to do.

[reply to this](#)

[Fluffy](#) | 4.16.10 @ 1:55PM | #

You act like revealing any mistake by the government is an unqualified good.

That's because it is an unqualified good.

The degree of secrecy employed by the state in the US today makes all of our elections illegitimate nonsense. There is absolutely no way that anyone can claim that we have anything remotely like the consent of the governed when information about every activity the state engages in that can be related to "national security" is completely suppressed.

What if I'm a voter who wants to base his decision on how to rate the performance of incumbents by how well our intelligence agencies are performing, John? Or do I just not get to do that? Because if I don't, then fuck this shithole of a country and fuck its pretense at democracy.

[reply to this](#)

[John](#) | 4.16.10 @ 1:59PM | #

See the Dunkirk example above. You can think of a million examples where you don't want to show your weakness to the enemy.

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[Lost_In_Translation](#) | 4.16.10 @ 2:26PM | #

Come up with one credible, non combat scenario that won't be torn to shreds immediately.

[reply to this](#)

[Tulpa](#) | 4.16.10 @ 5:23PM | #

Dunkirk is the new Munich in the warhawk circles these days.

[reply to this](#)

[Lost_In_Translation](#) | 4.16.10 @ 2:21PM | #

That's because it is an unqualified good.

Booyah!

What John seems to be hung up on is that he thinks if we do it and all other nations do such a good job of keeping their citizens in the dark, we're at a disadvantage, whereas I postulate that if citizens of the world see an incredibly transparent government that works, they'd be more apt to throw off the chains of secrecy in their country.

No, I don't want to know what every covert mission's plans are, but if my government plans to institute a plan to follow suspected citizens every move through all means possible, I want a chance to fucking object to that.

[reply to this](#)

[Gabe](#) | 4.16.10 @ 2:18PM | #

If you go to congress or the FBI with that type of thing then you tend to "get suicided".

If you go to the press and it gets out then you have some protection because everyone knows that they want to whack you so it is more obvious if you get whacked....understand John?

[reply to this](#)

[John the naive whistleblower](#) | 4.16.10 @ 2:40PM | #

This is a little play I wrote for H&R:

setting:

My name is John and I know the government loves me, but sometimes I do see things while working at the Pentagon that make me worried that some of our foreign policy is not optimal. Tomorrow I have decided to go see Mr Gates to tell him what I learned.

Next day at the Pentagon 8 AM.

John: Mr. Gates I love you. Can I give you some fellatio.

Mr Gates: Do you swallow? Nevermind, it is not neccasary. Why are you here anyway?

John: Dozens of soldiers have sent me videos that are very disturbing. In the course of my work many soldiers come to me and tell me we are killing hundreds of women and children every week that have nothing to do with Al Qaeda or the Taliban. I know we are doing our best to minimize collateral damage, but it seems many of these incidents are preventable without sacrificing our larger goals of spreading democracy. A NYT columnist emailed me asking about this topic because of my position at the Pentagon and I thought about opening up to him but thought I'd escalate this to chief commanders before talking to mere civilians. I know you care deeply about fixing this type of tragedy even if it means changing strategies that could decrease the importance of military might in our foreign policy and decrease our ability to get congressional funding for big contracts. So what should we do?

Mr Gates: So you haven't given these tapes to anyone else?

John: no

Mr Gates: ok give them here

John: ok, I guess you'll be talking about this with the big guy?

Mr Gates: did you talk to anyone else about this?

John: no just my priest

Mr Gates: what is his name? where is he?

(John tells him)

Mr Gates: oh good he is a paedophile we have him on the "controlled" list. Good ole

paedophilia.

John: uh what?

Mr Gates: ok these gentlemen will escort you out, they have some more questions to ask.

John: wait, don't I get to fellate you?

Mr Gates: bye

John is never heard from again.

[reply to this](#)

Lost_In_Translation | 4.16.10 @ 1:46PM | <#>

If this guy was so dedicated, why didn't he go to Congress or the IG instead of the NYT?

Who's to say he didn't beg/plead his superiors to listen to reason and they gave him the brush off that most career bureaucrats would. If he then went to Congress, he'd then be called in for insubordination anyway and be thrown under the bus, whereas if he goes public everything that happens to him becomes a matter of public record and he stands a chance of embarrassing/changing the system. IMO, the world needs more leakers, not less.

[reply to this](#)

John Thacker | 4.16.10 @ 2:01PM | <#>

The *New York Times* and other media outlets that were begging for leak prosecutions in the Valerie Plame case should have realized that strengthening that law would never help. Too much institutional interest in going after the sort of leaks that we would want to encourage.

Punishing leakers after the fact is of course still much better than prior restraint.

[reply to this](#)

P Brooks | 4.16.10 @ 2:08PM | <#>

I, for one, love it when the Overlord Class throws down the "water under the bridge" card.

[reply to this](#)

Russ 2000 | 4.16.10 @ 3:43PM | <#>

Finally a Kinks reference. Been far too long.

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Jesse Walker | 4.16.10 @ 5:29PM | <#>

Hey, I quoted "Apeman" **just last week**.

(Part of me hoped that no one would catch this one, though. "No More Looking Back" is not one of my favorite songs in the katalog.)

[reply to this](#)

J sub D | 4.16.10 @ 4:01PM | <#>

From the Baltimore Sun

The indictments do not reveal the subject of the information allegedly released, nor do they suggest that any damage to national security resulted. The Baltimore Sun's reporting on the NSA during the time period in question, about mid-2005 to late 2007, focused primarily on institutional shortcomings, not the specific nature or source of information gathered at the agency.

...

Wyda and attorneys for the U.S. Department of Justice declined to identify the journalist, but national news organizations, including Fox News, Reuters and The Washington Post, said government sources named her as Siobhan Gorman, a reporter for The Wall Street Journal who worked for The Sun during the time period discussed in the indictment.

[reply to this](#)

Gabe | 4.16.10 @ 4:47PM | <#>

No More Looking Back...Unless You've...

right on...if the muslims learn that we have institutional shortcomings this could lead to dozens of additional terror attacks! This can't possibly have anything to do with trying to hide the fact that Americans are being tax raped so that they can assure that their own kids live in a prisonplanet.

[reply to this](#)

Wicks Cherrycoke | 4.16.10 @ 4:32PM | <#>

Hell, Drake should consider himself lucky that Obama didn't simply order him to be assassinated.

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