

The Real Reason U.S. Targets Whistleblowers

By [Washington's Blog](#)

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Region: [USA](#)

Theme: [Intelligence](#), [Police State & Civil Rights](#)

Hypocrisy as a Weapon

U.S. leaders have long:

- Condemned China for [spying and hacking our computers](#) ... But the Snowden leaks show that America is [doing the same thing](#) — on a [much larger scale](#)
- Considered [waterboarding to be a war crime and a form of torture, including when the Japanese did it in WWII](#) (and see [this](#)). But when we did it, we insisted it was *not* torture
- Proselytized other countries to follow free market capitalism. But we [no longer follow free market capitalism in America](#). Instead, we have [socialism for the rich and sink-or-swim capitalism](#) for everyone else. Whether you call it [crony capitalism, fascism, communist style socialism, kleptocracy, oligarchy](#) or [banana republicanism](#) ... it ain't real capitalism
- Labeled indiscriminate killing of civilians as terrorism. Yet the American military [indiscriminately kills innocent civilians](#) (and see [this](#)), calling it “carefully targeted strikes”. For example, when Al Qaeda, Syrians or others target people attending funerals of those killed – or those attempting to rescue people who have been injured by – previous attacks, we rightfully label it terrorism. But the U.S. government does [exactly the same thing \(more\)](#), pretending that it is all okay
- Lambasted those who do not follow a rule of law as tin-pot tyrants. But the rule of law has [broken down in America](#), and we now have [less access to justice than in many parts of the world](#)
- Blasted oppressive regimes which do not allow free speech, a free press and other liberties for their people ... But have [discarded most of those same liberties in our homeland](#)
- Scolded tyrants who launch aggressive wars to grab power or plunder resources. But we ourselves have launched a series of wars for [oil](#) (and [here](#)) and [gas](#)
- Said that those who support terrorists should be treated as terrorists. But the U.S. government has [long supported](#) terrorists for [cynical political purposes](#).

- Sought to “spread democracy” around the world. But democracy is [not being honored at home](#) (more [here](#) and [here](#))
- Said that we must stamp out terrorism. But we are doing [the exact same things](#) we accuse the terrorists of doing ([or worse](#))

Can you spot a pattern of [hypocrisy](#)?

Indeed, the *worse* the acts by officials, the *more* they say we it must be covered up ... for “the good of the country”.

For example, Elizabeth Goitein - co-director of the Liberty and National Security Program at New York University School of Law’s Brennan Center for Justice - [writes](#):

The government has begun to advance bold new justifications for classifying information that threaten to erode the principled limits that have existed — in theory, if not always in practice — for decades. The cost of these efforts, if they remain unchecked, may be the American public’s ability to hold its government accountable.

The government acknowledged that it possessed mug shots, videos depicting forcible extractions of al-Qahtani from his cell and videos documenting various euphemistically termed “intelligence debriefings of al-Qahtani.” It argued that all of these images were properly classified and withheld from the public — but not because they would reveal sensitive intelligence methods, the traditional justification for classifying such information. The government did not stake its case on this time-tested argument perhaps because the details of al-Qahtani’s interrogations have been officially disclosed through agency reports and congressional hearings. Instead, the government argued that the images could be shielded from disclosure because the Taliban and associated forces have previously used photos of U.S. forces “interacting with detainees” to garner support for attacks against those forces. Even more broadly, the government asserted that disclosure could aid in the “recruitment and financing of extremists and insurgent groups.”

The government’s argument echoed a similar claim it made in a lawsuit earlier this year over a FOIA request for postmortem photographs of Osama bin Laden. A CIA official attested that these images could “aid the production of anti-American propaganda,” noting that images of abuse at Abu Ghraib had been “very effective” in helping Al-Qaeda to recruit supporters and raise funds. The appeals court did not address this argument, however, resting its [decision](#) on the narrower ground that these particular images were likely to incite immediate violence.

The judge in al-Qahtani’s case showed no such restraint. She held that the photos and videos were properly classified because “it (is) both logical and plausible that extremists would utilize images of al-Qahtani ... to incite anti-American sentiment, to raise funds, and/or to recruit other loyalists.” When CCR pointed out that this result was speculative, the judge responded that “it is bad law and bad policy to second-guess the predictive judgments made by the government’s intelligence agencies.” In short, the government may classify

information, not because that information reveals tactical or operational secrets but because the conduct it reveals could in theory anger existing enemies or create new ones.

This approach is alarming in part because it has no limiting principle. The reasons why people choose to align themselves against the United States — or any other country — are nearly as numerous and varied as the people themselves. Our support for Israel is considered a basis for enmity by some. May the government classify the aid we provide to other nations? May it classify our trade policies on the basis that they may breed resentment among the populations of some countries, thus laying the groundwork for future hostile relations? May it classify our history of involvement in armed conflicts across the globe because that history may function as “anti-American propaganda” in some quarters?

Perhaps even more disturbing, this justification for secrecy will be strongest when the U.S. government’s conduct most clearly violates accepted international norms. Evidence of human rights abuses against foreign nationals, for instance, is particularly likely to spark hostility abroad. Indeed, the judge in the al-Qahtani FOIA case noted that “the written record of (al-Qahtani’s) torture may make it all the more likely that enemy forces would use al-Qahtani’s image against the United States” — citing this fact as a reason to uphold classification.

Using the impropriety of the government’s actions as a justification for secrecy is the very antithesis of accountability. To prevent this very outcome, the executive order that governs classification forbids classifying a document to “conceal violations of law” or to “prevent embarrassment to a person, organization, or agency.” However, a federal judge in 2008 interpreted this provision to allow classification of information revealing misconduct if there is a valid security reason for the nondisclosure. Together, this ruling and the judge’s opinion in the al-Qahtani FOIA case eviscerate the executive order’s prohibition: The government can always argue that it classified evidence of wrongdoing because the information could be used as “anti-American propaganda” by our adversaries.

Human rights advocates cannot rely on al-Qahtani to tell us what the photos and videos would reveal. The government asserts that his own knowledge of what occurred at Guantánamo — knowledge he gained, not through privileged access to government documents but through his personal experience — is a state secret. The words that Guantánamo detainees speak, once transcribed by their attorneys, are “presumptively classified,” and the government determines which of those words, if any, may be released. Legally, the government may classify only information that is “owned by, produced by or for, or is under the control of the United States Government.” Because the detainees are under the government’s control, so, apparently, are the contents of their memory.

That’s why high-level CIA whistleblower John Kiriakou was prosecuted him for espionage after he blew the whistle on illegal CIA torture.*

Obviously, the government wants to stop whistleblowers because they interfere with the government’s ability to act in an unaccountable manner. As Glenn Greenwald writes:

It should not be difficult to understand why the Obama administration is so fixated on intimidating whistleblowers and going far beyond any prior

administration – including those of the secrecy-obsessed Richard Nixon and George W Bush – to plug all leaks. It's because those methods are the only ones preventing the US government from doing whatever it wants in complete secrecy and without any accountability of any kind.

But whistleblowers also interfere with the government's ability to get away with hypocrisy. As two political science professors from George Washington University (Henry Farrell and Martha Finnemore) show, the government is so hell-bent to punish Manning and Snowden because their leaks [are putting an end to the ability of the US to use hypocrisy as a weapon](#):

The U.S. establishment has often struggled to explain exactly why these leakers [Manning, Snowden, etc.] pose such an enormous threat.

The deeper threat that leakers such as Manning and Snowden pose is more subtle than a direct assault on U.S. national security: they undermine Washington's ability to act hypocritically and get away with it. Their danger lies not in the new information that they reveal but in the documented confirmation they provide of what the United States is actually doing and why. When these deeds turn out to clash with the government's public rhetoric, as they so often do, it becomes harder for U.S. allies to overlook Washington's covert behavior and easier for U.S. adversaries to justify their own.

As the United States finds itself less able to deny the gaps between its actions and its words, it will face increasingly difficult choices — and may ultimately be compelled to start practicing what it preaches. Hypocrisy is central to Washington's soft power — its ability to get other countries to accept the legitimacy of its actions — yet few Americans appreciate its role.

American commitments to the rule of law, democracy, and free trade are embedded in the multilateral institutions that the country helped establish after World War II, including the World Bank, the International Monetary Fund, the United Nations, and later the World Trade Organization. Despite recent challenges to U.S. preeminence, from the Iraq war to the financial crisis, the international order remains an American one. This system needs the lubricating oil of hypocrisy to keep its gears turning.

Of course, the United States has gotten away with hypocrisy for some time now. It has long preached the virtues of nuclear nonproliferation, for example, and has coerced some states into abandoning their atomic ambitions. At the same time, it tacitly accepted Israel's nuclearization and, in 2004, signed a formal deal affirming India's right to civilian nuclear energy despite its having flouted the Nuclear Nonproliferation Treaty by acquiring nuclear weapons. In a similar vein, Washington talks a good game on democracy, yet it stood by as the Egyptian military overthrew an elected government in July, refusing to call a coup a coup. Then there's the "war on terror": Washington pushes foreign governments hard on human rights but claims sweeping exceptions for its own behavior when it feels its safety is threatened.

Manning's and Snowden's leaks mark the beginning of a new era in which the U.S. government can no longer count on keeping its secret behavior secret. Hundreds of thousands of Americans today have access to classified documents that would embarrass the country if they were publicly circulated. As the recent revelations show, in the age of the cell-phone camera and the flash drive, even the most draconian laws and reprisals will not prevent this information from leaking out. As a result, Washington faces what can be described as an accelerating hypocrisy collapse — a dramatic narrowing of the country's room to maneuver between its stated aspirations and its sometimes sordid pursuit of self-interest. The U.S. government, its friends, and its foes can no longer plausibly deny the dark side of U.S. foreign policy and will have to address it head-on.

The era of easy hypocrisy is over.

Professors Farrell and Finnemore note that the government has several options for dealing with ongoing leaks. They conclude that the best would be for the government to actually do what it says.

What a novel idea ...

** Note: That may be why Guantanamo is really being kept open, and even prisoners that [the U.S. government admits are innocent](#) are still being blocked from release: to cover up the [widespread torture](#) by keeping the evidence - the prisoners themselves - in a dungeon away from the light of day.*

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