Censored Déjà Vu
What Happened to Previous Censored Stories

by Peter Phillips and the Project Censored writing team

Censored #1 2006
Bush Administration moves to eliminate open government

At the end of 2004, the mainstream media ignored a congressional report on secrecy in the George W. Bush administration. According to the report, the cumulative effect of the Bush administration’s efforts to maintain secrecy has been an unparalleled assault on those laws that have made our government relatively open and accountable. The report revealed that laws were rewritten and practices changed to reduce public and congressional scrutiny of executive activities. The administration has obtained unique authority to conduct government operations in secret, with little or no judicial oversight. Since 2001, the use of national security classifications has accelerated, the presumption of disclosure has been eliminated, and automatic declassifications are increasingly postponed or avoided.


UPDATE BY CHARLENE JONES
Efforts by the Bush administration to operate in secret have accelerated since publication of the Waxman report in 2004. Senator Patrick Leahy (D-Vt.) calls it “the first White House in modern times that is openly hostile to the public’s right to know.” Federal departments are classifying documents at the rate of 125 a minute, using new loosely
defined security designations. According to the federal Information Security Oversight Office, officials classified 15.6 million documents in 2004, nearly twice those in 2001. Meanwhile the declassification of material slowed to only 28 million pages, down from 204 million in 1997. Intelligence agencies have also removed thousands of historical documents that had been available for years. Since 1999 a secret program at the National Archives has restored classified status to more than 55,000 previously declassified pages. The program began during the Bill Clinton Administration, but according to the New York Times, gathered speed under President George W. Bush.

Since September 11, according to the Reporters Committee for Freedom of the Press, the government has taken an “astonishing amount of information away from the American people.” Thomas Kean, chairman of the 9/11 Commission, was quoted in the New York Times saying, “You’d just be amazed at the kind of information that’s classified—everyday information, things we all know from the newspaper.” And, according to the Boston Globe, documents not vital enough for the “classified” designation are given pseudo-classifications such as “For Official Use Only” and “Sensitive But Unclassified.”

The 2005 Secrecy Report Card from OpenTheGovernment.org found that:

► Government concealment is costing taxpayers more money. Costs of classifying documents rose from 4.7 billion in 2001 to $7.2 billion in 2005 (not including CIA classification activities).
► Between 2001 and 2005, officials invoked the “State secrets privilege” (to keep federal court hearings and documents from the public) thirty-three times more often than officials did during height of the Cold War.
► FOIA requests have quadrupled since 2000 to more than 4 million. (According to the Coalition of Journalists for Open Government, FOIA denials increased 22 percent in the same time period).
► Between 2001 and 2005, nearly two-thirds of 7,045 federal advisory committee meetings were closed to the public and secrecy orders were issued on 124 patents.

In December 2005, President Bush issued an executive order said to help process the backlog of FOIA requests by creating a chief FOIA officer in all federal agencies. FOIA officers are already in place,
however, and the executive order did nothing to rescind impediments put in place during his first administration.

In 2004 and again in 2005, Rep. Waxman proposed a sweeping “Restore Open Government” Acts to restore public access to presidential records, prohibit secret advisory committees, promote timely declassification of government documents, and improve the operations of FOIA.

Neither bill was debated on the floor of the house nor did they receive attention in the news. Both bills were cleared from the books at the end of their congressional session.

On June 24, 2005 the Senate approved less comprehensive bills introduced by John Cornyn (R-Tex.) and Patrick Leahy (D-Vt.) that address FOIA reform and protection specifically. These bills would strengthen FOIA and close loopholes, set up a commission to oversee FOIA processing delays, and mandate that legislation making government information exempt from FOIA provide an explanation for the exemption within the text of the bill. As of March 2006, one bill (S. 394) had been sent to the Senate Judiciary Committee, another (S. 589) was awaiting debate on the Senate floor, and the last (S. 1181) had passed the Senate and been sent to the House.

On April 26, 2006, the House Government Reform Committee approved the Executive Branch Reform Act of 2006 to end secret meetings between lobbyists, contractors and Executive Branch officials, provide protection to national security whistleblowers, and end the use of pseudo-classifications (as mentioned above).


For more information:
www démocrats.reform.house.gov
www.ombwatch.org
http://www.cjog.net

Censored #2 2006
Media Coverage Fails on Iraq

Part 1: Update on Coverage of War Crimes in Iraq
Between 2003 and 2005, the United States conducted two major sieges against the Iraq city of Fallujah. The first resulted in a defeat for Coalition forces. The second (November 8, 2004) generated widespread charges of human rights violations. Non Governmental Organizations (NGOs) around the world claimed U.S. forces broke many international laws with impunity. Iraqi civilians were denied access to food supplies and doctors were not allowed to help the wounded. Meanwhile, the U.S. media applauded the invasion as a major success with minimal casualties. Embedded reporters were denied entry to the destroyed areas and provided little coverage of the carnage or illegal use of weapons.


UPDATE
Media coverage of the Iraq invasion showed no improvement throughout 2005 and 2006. According to journalist Dahr Jamail, criticism
from human rights groups and other NGOs has had no impact on U.S. military policies. The use of illegal weapons like depleted uranium, cluster bombs, and fuel/air bombs may have actually increased since the attack on Fallujah in 2004. The military also admitted to using white phosphorous during and after the siege of Fallujah. White phosphorous may be used as smoke screens or for marking targets, but it is illegal when used for an offensive attack, especially if civilians may be in the designated areas. According to RAI television in Italy, dead women and children were found in Fallujah after the invasion with deep burns on their bodies caused by white phosphorus. Plus, officers from the second Infantry Fire Support Element admitted using white phosphorus as a weapon while in Iraq.

**Update Sources:** Wilson, Jamie. *Guardian* (Manchester), November 16, 2005
Email update: Dahr Jamail

**Part 2: Civilian Death Toll is Ignored**
In October 2004 a well-established British medical journal, *The Lancet*, published a study claiming that nearly 100,000 civilians had died in Iraq since the invasion began. Researchers undertook a national survey of Iraq to estimate mortality rates before the invasion and after the invasion. Research results showed that, after the invasion in early 2003, the leading cause of death for Iraqi civilians was military violence.


**UPDATE**
While the figures produced by Dr. Les Roberts and his colleagues have become widely accepted throughout Europe, the Lancet article did receive some criticism after its publication, mostly from the U.S. press. What was not noted in the U.S. mainstream is that Roberts used nearly identical sampling techniques to study mortality in the Congo,
Bosnia, and Rwanda—and that U.S. and British officials quoted these findings without question in speeches condemning those killings. According to Roberts, “Tony Blair and Colin Powell have quoted those results time and time again without any question as to the precision or validity.”

In December 2005, George W. Bush declared that the Iraqi civilian death toll was around 30,000, most likely based on estimates from the Iraq Body Count website. However the researchers at Iraq Body Count remind people that they only count deaths reported and confirmed in the media. One researcher said, “We’ve always maintained that the actual count must be much higher.”

There have been no other surveys done in Iraq to measure an up-to-date civilian death toll. Journalist Dahr Jamail asserts that at this point (the middle of 2006) there have probably been many more than 100,000 civilians killed in Iraq and maintains that, even at the time of its publication, the Lancet figure was low, for two reasons:

In order not to skew the survey, the researchers erred on the conservative side. They omitted areas of major combat operations, like Fallujah and Najaf, eliminating thousands of deaths. The baseline for this survey (to which new figures are compared) was the last two years of the sanctions, when the death rate was already much higher than normal.

Jamail concludes that one would have to double the Lancet’s initial figure to even approach an accurate estimate of the post-invasion civilian death toll.


Email Update: Dr. Les Roberts
Email Update: Dahr Jamail

**Censored # 3 2006**

**Another Year of Distored Election Coverage**

Story number three in Censored 2006 was about the uncovered controversy surrounding the presidential election of 2004. The unusual discrepancy between actual vote counts and exit polls in this election
brought up the question of whether exit poll data was a reliable predictor of actual vote count. Almost two years later factors such as the purge of black voters, the million missing ballots cast but not counted, and the malfunctioning voting machines all point to the possibility of fraud and corruption.


**UPDATE BY KRISTINE MEDEIROS**

In 2005, Rep. John Conyers asked the Government Accountability Office (GAO) to examine the allegations of election fraud and corruption in the 2004 election. In September 2005 the GAO concluded that, while there is no evidence that the election was rigged, the U.S. election system has a number of serious weaknesses. It found that electronic voting systems “have caused local problems in federal elections resulting in the loss of votes or miscounts of votes.”

One of the major concerns with electronic voting systems, the GAO reports, is that they can be hacked because of inadequate security systems. The report cited a number of examples. On Diebold’s Accu-Vote-TS, the voter may touch the screen for one candidate and the vote will be recorded and counted for another. In Florida, security reviews showed that someone with access to an optical scan system can falsify election results without any record of the deed. Other computer security experts (in a test environment) used smart cards and memory cards to improperly access administrator functions, vote multiple times, change vote totals and produce false elections reports. “It is incumbent upon Congress,” concluded Rep. Conyers, “to respond to this problem and to enact much needed reforms such as a voter verified paper audit trail that protects all Americans rights to vote.”

In the 2000 election 2 million African Americans votes were not cast and Kerry vowed to the NAACP that it would not happen again. But nearly 3 million votes were cast and not counted in the 2004 election. Journalist Greg Palast predicted what happened in 2004, and he is predicting it for the 2006 and 2008 elections. Behind the 2000
felon purge lists and behind the 2004 caging lists were databases from the same companies that now have homeland security contracts.

Palast claims that there is a pattern to the manipulation of national elections. This includes “spoiling” ballots (such as the hanging chads), rejecting “provisional ballots,” voters finding themselves at the “wrong” precinct or wrongly “scrubbed” from voter rolls, “caging” lists used to challenge voters with “suspect” addresses, not counting absentee ballots, and delayed registrations. Many of these were tactics used during the “Jim Crow” era following the Civil War. They are also tactics that the U.S. has chastised dictatorships and rogue nations for using.

Meanwhile, for 2006 and 2008, the GOP is pushing new Voter ID requirements that, if passed, could quadruple the number of voters turned away from the polls for “wrong” ID (like a missing middle initial on your voter registration).

To learn more about Palast’s forecasts for the 2006 and 2008 elections, read “Armed Madhouse” by Greg Palast (gregpalast.com). For more information about the controversy over the 2004 presidential election, read “Was the 2004 Election Stolen?” by Robert Kennedy Jr. in the June 1, 2006 edition of Rolling Stone magazine and “Was the 2004 Election Stolen? NO” by Fahad Manjoo on Salon.com, June 6, 2006.


**Censored #4 2006**

**Surveillance Society Quietly Moves In**

On December 13, 2003 President Bush signed the Intelligence Authorization Act, further eroding civil liberties threatened by the Patriot Act. The law increased funding for intelligence agencies and allowed the FBI access, without judicial review, to records of those
suspected of criminal activity. It also widely broadened the definition of surveillable financial institutions, making personal consumer data readily available.

Despite a huge amount of controversy, government tracking and data-mining programs are still in operation. The Pentagon’s Total Information Awareness is still in operation despite denial of funding. The MATRIX database was shut down on April 15, 2005, but then reintegrated into other programs. According to the Capitol Hill Blue, “The super-secret National Security Agency, under an executive order signed by President Bush not long after September 11, 2001, began monitoring phone conversations and emails of American citizens even though the agency’s charter limits their activities to overseas communications.”


**UPDATE**
In December 2005, the New York Times admitted to sitting on the information about the executive order (published by the Capitol Hill Blue) for over a year. The New York Times had delayed the publication at the request of the White House, under the pretense of jeopardizing investigations and alerting terrorists to their supervision. Project Censored, which had been criticized for citing the Capitol Hill Blue article, was exonerated.

On March 9, 2006, President Bush made many of the Patriot Act provisions permanent. According to the Baltimore Sun, despite a year of wrangling, the final version of the measure imposed no meaningful restraints on the vast power Congress granted the government to spy on its own citizens. In some ways, the new law is worse. Not even the secret seizure of library, medical and business records without probable cause was adequately addressed, though American communities found that provision so offensive that nearly 400 so far have registered formal protests.

Senators demanding greater privacy protections gained traction
late last year when it was revealed that the Bush administration has been secretly wiretapping Americans for years without any sort of court approval. In the end, though, nearly all settled for minor concessions from President Bush that leave the worst features of the Patriot Act intact.

In response, says the *Baltimore Sun*, Senate Judiciary Committee Chairman Arlen Specter offered new legislation that would demand evidence of a link to a foreign power before library, business and medical records could be obtained, eliminate a one-year period before gag orders on requests for such records could be challenged in court, and require that the target of a “sneak and peek” search warrant be notified within seven days of its execution. But this bill is not expected to pass unless the atmosphere in the Senate changes.

The two most important components of the supposedly defunct Total Information Awareness (TIA) program have been renamed and moved to the National Security Agency (NSA). The Pentagon’s Counterintelligence Field Activity Office (CIFA) is utilizing the fact-gathering Threat And Local Observation Notice (TALON) program to collect information about “suspicious incidents” and compile dossiers on anti-war meetings, Halliburton protests and counter-recruitment movements on school campuses. Along with a push to increase CIFA’s investigatory capabilities, the Pentagon is supporting legislation to create an exception to the Privacy Act for intelligence agencies, abling them to share information from their spying and data mining programs.

New surveillance and data mining programs are surfacing, from the Department of Homeland Security’s ADVISE to the CIA’s National Clandestine Service. The government is handing out subpoenas to rummage through search engine data. All and all, this was a frightening year for civil liberties.

Censored #5 2006

U.S. Uses Tsunami to Military Advantage in Southeast Asia

After 2004’s devastating tsunami, U.S. military activity increased in the region. While supplying aid, U.S. simultaneously pushed its military agenda forward. Containing China’s economic and military power is the primary reason for expanding a military presence. Shortly after the tsunami, the U.S. revived the Utapao military base in Thailand that was used during the Vietnam War. The U.S. reactivated its military co-operation agreements with Thailand and the Visiting Forces Agreement (VFA) with the Philippines. The Bush administration revived its hope of establishing closer ties to the Indonesian military.


UPDATE

As Southeast Asia is deeply affected by the devastation of the tsunami the Bush administration continues its agenda of militarizing the region. However, virtually all the military alliances established shortly after the tsunami are strained, and efforts to forge stronger military alliances are facing growing opposition.

The Visiting Forces Agreement, which was reactivated by the U.S. with the Philippines, is facing opposition and possible nullification by the Philippine Congress after four U.S. marines were accused of raping a Filipino woman in November 2005. The resolution calling
for an end to the agreement resulted in threats from a U.S. embassy official, who told a senior official of the Philippine Foreign Affairs Department that if the resolution passed, military aid and other financial support from the U.S. would be cut.

The U.S. continues to strengthen military ties with Indonesia despite concerns over human rights abuses by Jakarta forces. The U.S. State Department announced the resumption of military grants through Foreign Military Financing (FMF), allowing Indonesia to purchase lethal weaponry. In its desire for increased military interaction with Indonesia, the U.S. Defense Department has been pushing for weapons sales restrictions enacted by Congress to be loosened. The East Timor and Indonesian Action Network says that Secretary of State, Condoleezza Rice, is undermining the message Congress sent to the Indonesian government about improving its human rights protections and accountability.

The resumption of FMF is the most significant agreement yet between the U.S. and Indonesian military since the re-activation of the International Military Education and Training and non-lethal Foreign Military Sales shortly after the tsunami. The Minister Counselor for Political Affairs at the Indonesian embassy in Washington said that if restricted by the U.S., Indonesia will modernize its military with the help of other countries, including China. The U.S. State Department also said that the resumption of FMF is in the interests of national security. U.S. military aid to Indonesia now outstrips medical or social aid.

The U.S. Air Force is one step closer to establishing a base in India. On November 7, 2005, over 250 aircrew and 15 F-16 fighters were sent from Japan for a twelve-day joint Air Force exercise while 70,000 protestors rallied outside the gates.

According to a statement made by the U.S. Embassy, the years 2002-2005 were the most active in military operations between India and the U.S. in the past forty years. Not only India’s strategic location, but its growth as an economic power may make the prospects of having bases more sought-after to counter-balance China’s influence. Left parties in India state that the exercise was part of a U.S. military strategy to establish bases in the region.


Censored #6 2006
The Real Oil for Food Scam

In the late fall of 2004, a small group of U.S. senators, hardcore supporters of the war in Iraq, launched a crusade to “expose” the oil-for-food program implemented by the United Nations as the “greatest scandal in the history of the UN.” But former UN Inspector Scott Ritter called the attack nothing more than a hypocritical charade to shift attention away from the quagmire in Iraq, and legitimize the invasion by using Iraqi corruption, and not the missing weapons of mass destruction, as the excuse.


UPDATE BY SARAH RANDLE
In 2005 and ’06, there was additional coverage of the U.S. role regarding the kickbacks and smuggling in the Oil for Food Program, but in the end the issue was characterized as a failure of the UN. The Independent Inquiry Committee into the United Nations Oil-for-Food Programme (the Volcker Report) took a closer look at the scandal. The report, released in 2006, lays little blame at the feet of the secretary-general; most of it is reserved for the members of the Security Council, noting their failure to provide clear directives and guidelines for the program. This is not, however, how it has been portrayed by Republican-leaning news sources.

Censored #7 2006
Journalists Face Unprecedented Dangers to Life and Livelihood

In last year’s story, the International Federation of Journalists reported that 2004 was the deadliest twelve month span ever documented—129 media workers were killed, and forty-nine of these deaths occurred in Iraq. Heightened risks for non-embedded reporters were noted as U.S. military-involved killings were on the rise.


UPDATE BY LESLEY AMBERGER

Kidnappers in Iraq, political assassins in Beirut, and hit men in the Philippines made murder the leading cause of work-related deaths among journalists worldwide in 2005.

International Federation of Journalists (IFJ) secretary general Aidan White described 2005 as “a year of unspeakable violence against media.” The IFJ reported record numbers of media professionals killed in 2005. A total of 150 media workers were killed, including eighty-nine “killed in the line of duty, singled out for their professional work.” This surpasses the IFJ reported deaths in 2004. At least sixty-one deaths of media workers in 2005 resulted from accidents, including the forty-eight Iranian media workers who were killed in a December 6 military aircraft crash in Tehran.

A total of thirty-eight deliberate killings occurred in the Middle East, all but three in Iraq, making the Middle East the most dangerous place for journalists last year. In addition to the thirty-five targeted killings in Iraq, the U.S. military forces were involved in another five deaths, bringing the number of military-involved killings of journalists to eighteen since the 2003 invasion.

The IFJ numbers differ from other media organizations such as
the Committee to Protect Journalists (CPJ) and Reporters Without Borders because they include support staff such as drivers and translators with journalists.

Analyses from all three media organizations display a long-term trend. Journalist murders often remain unsolved and unpunished. About 90 percent of recorded killings were not appropriately investigated and occurred with impunity. Less than 15 percent of journalist murders since 1992 have resulted in the capture and prosecution of those who ordered the murders.

CPJ Executive Director, Ann Cooper says “the war in Iraq might lead one to think that reporters are losing their lives on the battlefield. But the fact is that three out of four journalists killed around the world are singled out for murder, and their killers are rarely brought to justice. It’s a terrible indictment of governments that let warlords and criminals dictate the news their citizens can see and hear.”

**Update Source:** Committee to Protect Journalists. “From Iraq to Philippines, Murder is top cause of journalist deaths in ’05,” *Special Report 2006*, January 3, 2006, http://www.cpj.org/Briefings/2006/killed_05/killed_release_03jan05.html

### Censored #8 2006

**Iraqi Farmers Threatened By Bremmer’s Mandates**

Before he left his position, Paul Bremmer, the leader of the Coalition Provisional Authority, issued exactly 100 orders that remade Iraq’s economy in the image of the U.S. Economy Plan. One of these orders, “Order 81,” allows foreign corporations to patent seeds and force local farmers purchase them for their crops. Initially, farmers will see an increase in production levels and be all too willing to abandon their old ways in favor of the new technologies. But then they will be locked in, having to pay a license fee for each variety.

The privatization of Iraq’s domestic market economy translates into large profits for Western multinational companies. To circumvent international opposition and dispute, the United States set out to ensure that the New Iraqi Government would “not press for full sovereignty.” According to Meacher, Bremer’s new Transitional Administrative Law (TAL) effectively gives the Kurds, the most pro-American section of the population, a veto over the new constitution because the TAL itself states that it can only be amended by a 75 percent vote in parliament. Since the Kurds hold more than 25 percent of the seats in parliament, the possibility of a veto of the New Constitution was improbable. Voters approved the new Constitution in October 2005, with provinces dominated by Kurds and Shi’ite Arabs overwhelming approving it and upholding Bremer’s 100 orders. This paves the way for foreign corporations, many of whom were unable to do business in Iraq during Saddam Hussein’s regime, to profit off of Iraq’s newly structured domestic market economy.


Iran’s New Oil Trade System Challenges U.S. Currency

Iran was scheduled to announce the opening of a new oil exchange (or bourse) in March of 2006. This new oil exchange would be euro-dominated and could be seen as a threat to the U.S. dollar, which has held global dominance as a world currency reserve. The U.S. would be particularly threatened by the influence a new oil exchange could have on China, impacting its trade agreements with Iran and a possible de-linking of the dollar-yuan arrangement with the U.S.

UPDATE BY ZOE HUFFMAN

On March 20, 2006, the Iranian Oil Bourse was scheduled to begin operating. It was still on track in February. Then, sometime in March, it was announced that the bourse had been postponed. And, in June, the Iranian Minister of Finance announced that they had not yet decided whether the bourse would be in euros or U.S. dollars. Throughout all of this, mainstream media continued to center on Iran’s nuclear proliferation and U.S. efforts to seek sanctions and possible military actions through the oversight of the UN Security Council. The bourse is still on the platform but there is no timeline for its opening. Middle East observers find this suspicious but there are no reports at this time of backroom deals.

The issue is a two-pronged problem. On one hand, there could be an economic threat to the dominance of the dollar in the global exchange of oil. On the other the nuclear proliferation of Iran convolutes the “what ifs” of an oil exchange in euros. In the corporate media, the exchange has been virtually ignored or merely a side note to the nuclear proliferation case. This all ties into whether or not the U.S. will take military action against Iran. Any military action in Iran has been predicted to fail, and could hinder talks with Iran.

In talks, the Russians have stood by the side of Iran and the need for a nuclear energy source. China has been aloof, and yet has been opposed to Chapter 7 in UN Security Council talks. There is doubt as to whether or not actions are being enforced due to nuclear proliferation or the oil exchange, and it could possibly be a combination of both.


Censored #10 2006

Mountaintop Removal Threatens Ecosystem and Economy

Mountaintop Removal (MTR) is the practice of blowing the tops off of mountains, and in some cases taking out entire ranges, to get at the coal near the surface. MTR has polluted more than 1,200 miles
of streams and watersheds in the United States. Clean water for the entire Appalachian region is in danger of being lost forever to the practice. MTR fills valleys with vegetation, rock, and earth called “overburden”, which is dumped and compacted in the valley below. The area is then planted with inexpensive, non-native plants in order to comply with environmental laws that require mining companies to restore affected areas to “a level or gently rolling configuration.” The result is a flat, barren plateau that will not support the region’s unique diversity of life.


UPDATE BY DAVID ABBOTT
The practice of MTR is spreading so fast that an accurate accounting of the affected area is not available, but at least 400,000 acres in Tennessee, Kentucky, Virginia, and West Virginia have been destroyed by the practice. If it continues unabated, by 2012 a section of the Appalachians the size of Rhode Island will have been flattened in order to get a few feet of coal.

A loophole in regulation allows mining companies to dump mountaintop waste into seasonal streambeds—what the coal industry describes as “dry hollows.” Slurry waste—a byproduct of the mining process—is seeping into wells and water supplies while schools and communities are covered in toxic soot. Opponents of MTR have attempted to get the U.S. Office of Surface Mining (OSM) to enforce a buffer-zone prohibiting mining activity within 100 feet of a stream and to get the Army Corp of Engineers to regulate streambed fill. But occasional court victories by advocacy groups are usually set aside on appeal, and local protests are largely ignored or suppressed.

Despite pressure from consumer rights groups, mining regulations continue to be relaxed. When mining companies are fined, they often find legal loopholes that allow them to avoid payment and environmental clean up. One popular method coal companies use to avoid responsibility is to set up a “subsidiary” in a specific area. Then, when they violate the law, and are charged and fined, the “subsidiary” declares bankruptcy, leaving the mess behind, and shielding the real culprits from punishment.
In 2003, Florida-based National Coal Company (NCC) began MTR operations at Zeb Mountain in the Appalachians of Tennessee. NCC moved in after a smaller coal company was unable to recover financially from the violations and fines accumulated while operating the mine. In August 2004, Knoxville author Chris Irwin and fellow Earthfirst! activists Debbie Shumate and Amanda Womac went to NCC’s office in West Knoxville to discuss with NCC executives the logic of destroying Zeb Mountain. Their presence was peaceful and they left after failing to gain audience with any NCC staff members. However, Irwin and Womac quickly received temporary restraining orders issued by NCC citing “rowdy protest...use of bludgeons...and blocking of traffic.” Soon after, Irwin, Womac and others found themselves named in a lawsuit. The protesters’ lawyer maintained that the lawsuit, considered a Strategic Lawsuit Against Public Participation (SLAPP), was filed in retaliation for (and to silence) criticism from the protesters about NCC’s use of MTR in Tennessee.

Ignoring the intimidation, the activists continued organizing to halt the use of MTR, and in 2006, after almost two years, the coal company dismissed the lawsuit.

Recent books by Erik Reece of the University of Kentucky, and Penny Loeb, a former editor of *U.S. News and World Report* (who wrote about MTR in 1997) examine the practice from beginning to end. Another recent book entitled “Missing Mountains,” edited by Bobbie Ann Mason, is a collection of essays, fiction and poetry by thirty-five Appalachian authors who are against the MTR practice. In-depth articles in *National Geographic*, *Harper’s*, and even the *New York Times* and *Washington Post* are bringing the issues to a larger audience, but with an industry-friendly government in control of environmental and safety regulations, it remains to be seen if reporting will have any real effect.

Mandatory Mental Screening Program Usurps Parental Rights

Story #11 from the 2006 book concentrated on President Bush’s New Freedom Commission on Mental Health and its efforts to promote mental health screening programs in public schools throughout the U.S. According to the Center for Disease Control, youth suicides in the U.S. have declined 25 percent in the last ten years, yet the President’s Commission insists there is a child suicide epidemic and suggests that public schools are in a “key position” to carry out the screening of America’s students and school employees. In 2004 and 2005, Congress and the President appropriated over $900 million for the implementation of a new mental screening system. TMAP, the Texas Medication Algorithm Project, is a program designed to advise physicians regarding drug prescription. Critics of TMAP point out the project’s inclination to promote newer, more expensive drugs than those already established, and the redirection of ever increasing profits to the pharmaceutical industry.


UPDATE BY LAUREN POWELL

After simplifying his Parental Consent Act of 2005 (H.R. 181) for fiscal year 2006, Representative Ron Paul, (R-TX) was again unsuccessful in passing legislation. Paul’s bill would have prohibited federal spending on “universal or mandatory” mental health screening pro-
grams. The bill would have also halted federal funding to education institutions that interpret a parent’s refusal to allow the screening of their child as abuse or education neglect. Paul’s bill was voted down 97–304.

Surveys such as TeenScreen have accelerated over the past two years. Used by school officials to evaluate depression, suicidal tendencies, and other mental illnesses, about one in six of the students screened for mental disorders are referred for treatment and medication. Says Phyllis Schlafly, “If this is a preview of what would happen when 52 million public school students are screened, it would mean hanging a libelous label on 17 million American children and putting 8 million children into the hands of the psychiatric/pharmaceutical industry. “ Despite a lack of verification that TeenScreen is effective in the prevention of suicide and depression, it utilizes passive consent—parental consent forms that need to be signed if the parent does not want their child to participate.

Survey screening programs are already prompting legal action by parents. In 2005, one family brought suit against an Indiana school district after discovering that their “happy, normal” daughter had been “TeenScreened” without their consent, and diagnosed with obsessive compulsive and social anxiety disorder. In another case, Fields v. Palmdale School District, the Court declared that school power supersedes parental authority at the ‘threshold of the school door.’ Ignoring parental concern with a sex survey given to first, third and fifth graders, the Court ruled in favor of proposed mental health screening through the public school system.

In 2005, the Center for Public Integrity found that, since 1998, the pharmaceutical industry spent more than $800 million in lobbying and campaign donations, $10 million to 527 organizations and tax-exempt political committees. Among the top recipients were George W. Bush and members of influential drug industry committees. The drug industry’s lobbying efforts are exceeded only by the insurance industry. One third of lobbyists are former federal government employees from both the House and Senate.


Additional information: www.teenscreen.org and www.opensecrets.org

Censored #12 2006
Military in Iraq Contracts Human Rights Violators

Story #12 of the 2006 edition was about the U.S. government contracting private corporations to recruit, hire, and train civilians to go overseas and perform tasks traditionally fulfilled by military personnel. With the discovery of detainee abuse at Abu Ghraib in Iraq, the subject was raised of non-military contractors committing illegal war crimes overseas and evading U.S. military law due to their status as private contractor/civilian.


UPDATE BY KATHRYN ALBERGATE
After the events of 2004, military investigations into prisoner abuse revealed what the mainstream media have not: the abusers at Abu Ghraib were not only military personnel, but privately contracted civilians, doing the duties that they were not necessarily qualified to perform. In a 2006 update, author Pratap Chatterjee said that much
of the problem with private contractors “isn’t their policies but the lack of training and oversight.’

The most recent report from a 2005 Pentagon investigation states that during the eighteen months examined, no private contractor was disciplined or charged with any criminal offense in relation to their work in Iraq. However, seven U.S. military soldiers were convicted for their role in the detainee abuse at Abu Ghraib.

The two private contracting corporations that were most often named in connection with the abuse scandals are CACI International Inc. and Titan Corporation.

MEJA (Military Extraterritorial Jurisdiction Act) of 2000 permits prosecution in U.S. federal courts of Defense Department contractors who commit crimes while working with the military outside the United States. However this law has some unfortunate limitations. It applies only to crimes carrying a minimum one-year sentence and only to contractors hired under the Department of Defense. In recent years, many private contractors have been hired through the Department of the Interior, which MEJA does not apply to. As of 2006, no private contractors have been prosecuted for detainee abuse at Abu Ghraib. According to journalist David Phinney, efforts to hold private contract employees accountable is likely to fall short in light of “a U.S. administration that critics say has repeatedly redefined torture in its ‘war on terror’ and in the war on Iraq.” In the first week of January 2006 President George Bush signed a bill outlawing the torture of detainees, but reserved the right to bypass the law at his discretion.

In September 2005, CACI’s contract with the U.S. army was not renewed. Lochheed Martin has become one of the biggest recruiters to date of private interrogators. In June 2005, its subsidiary Sytex advertised eleven job openings for new interrogators in Iraq and in July the company sought twenty-three interrogators for Afghanistan. Ads on several websites for current and former military personnel offered a $70,000 to $90,000 salary, plus a $2,000 sign-up bonus from Lochheed Martin. Not only is Lochheed Martin supplying the U.S. military with interrogators, but with information and transportation. According to author Pratap Chatterjee, “Locheed Martin won’t speak to anyone about their interrogation contracts. I imagine they would say they are completely opposed to torture, though. Even CACI would say that. In an update, Mr. Chaterjee revealed that the Democrats have a new set of regulations proposing to stop war profiteering.
Corporations Win Big on Tort Reform, Justice Suffers

On February 18, 2005, President Bush signed the Class Action Fairness Act (CAFA) into law. CAFA was decried by citizens’ and lawyers’ groups for limiting peoples’ access to the courts, weakening the constitutional right to trial by jury, consumer and worker protections, and denying due process in civil cases to all but the wealthiest in our society. CAFA was just one example of the attack the Bush administration is carrying out against access to the courts and to decrease liability for corporations that cause harm to individuals and society as a whole. A study done in 2003 showed that there was no correlation and in fact the number of litigations decided in U.S. federal courts is down 79 percent since 1985. After the passing of CAFA, the insurance industry made record profits in a year that should have been a catastrophe due to natural disasters such as Katrina.


UPDATE BY DAVID ABBOTT

A tort is “a wrongful act, damage, or injury done willfully, negligent-ly, or in circumstances involving strict liability, but not involving
breach of contract, for which a civil suit can be brought.” Proponents of changes in the U.S. legal system have tried to associate tort litigation with a host of ills, from driving doctors out of business to closing municipal swimming pools, increased insurance costs to the rising cost of healthcare.

CAFA may not have had the effect that corporate America intended, but it has been seen as a wedge issue that the Republicans can use against the Democrats to push through the real agenda, which is Medical Malpractice tort reform. CAFA passed in the Senate on a vote of 72-26. In 2004, it was blocked by a filibuster in which the vote was 59-39. Although the law was not changed to any significant degree, eighteen senators changed their vote. Apparently, Democrats were scared of being branded as “soft on tort.” The costs of blocking a relatively innocuous law and being branded a “tort reform opponent” were too high. CAFA was easy to support in the end because it was harmless. But it is only the first and least objectionable item on Bush’s tort reform agenda. The next issue to be raised will be national medical malpractice reform. In this area, the reforms that were floated by the President during his campaign were far from harmless. CAFA is just a small piece of a larger effort to block plaintiffs’ access to the courts, and to shield certain corporations from litigation.

During his six years in office, Bush has endorsed measures that would shield certain corporations from lawsuits. Several of the proposals resulted from Hurricane Katrina and the looming threat of a bird flu pandemic and include the Help Efficient, Accessible, Low Cost, Timely Health care Act of 2003 (HEALTH). HEALTH caps some pain-and-suffering jury awards at $250,000 and provides a sliding scale for lawyers’ fees. Also passed in 2005, the Protection of Lawful Commerce in Arms Act provides gun makers immunity, in most cases, from lawsuits holding them responsible for gun violence. The Asbestos Trust Fund bill, sponsored by U.S. Sen. Orrin Hatch, R-Utah, would create a fund to reimburse those suffering from exposure to asbestos and halt litigation. Lawyers and organized labor oppose the move, saying the fund would not have enough money.

It seems that Senate Democrats chose not to pick a fight on CAFA in order to save their strength for the next, more significant tort reform fight. Now Republicans may cite CAFA’s “success” or its bipartisan support as a reason to push for further, much more destructive “reform.”

Censored #17 2006

U.S. Uses South American Military Bases to Expand Control of the Region

According to the 2006 story, Eloy Alfaro Air Base in Manta, Ecuador, is the center of a controversy that includes U.S. efforts to counter insurgencies in Colombia and aims to block mass emigration from Ecuador to the U.S. A ten-year lease agreement in 1999 between Ecuador and U.S. limit the activities at the base to counter-narcotics surveillance flights. However, the U.S. abuses the lease agreement by contracting private corporations to conduct the fumigation of coca crops (along with a host of other military operations). Critics say that the U.S. is using Manta as a foundation to tighten control over the entire region. The FBI are militarizing the Ecuadorian police, providing military tactics and “anti-terrorist” training. The Bush administration says that they are mixing military and police roles to “govern its counter-terror efforts in the hemisphere.”


UPDATE BY NICK RAMIREZ AND LAUREN POWELL

Ecuador is in the middle of Colombia’s ongoing civil war and U.S. involvement in that civil war. Manta serves as a staging area where
thousands of U.S. mercenaries, contracted through private corporations, have clashed with Colombian insurgents. Companies working at the base include Military Professional Resources Inc., Virginia Electronics, DynCorp, and Lockheed Martin. Many employ retired military personnel.

In 2005, as U.S. officials denied their intentions to expand a military presence in Manta, the U.S. has spent $80 million in construction projects that include the expansion of Manta’s runway, hangers, and dormitories. Local observers say that the number of U.S. servicemen exceed the 300 cap, with as many as 450 either stationed at Manta or booked in hotels. Locals call violations of the lease agreement (which has displaced some 15,000 residents) unconstitutional.

In 2005, when Ecuador refused to grant U.S. military personnel immunity through the ICC, the U.S. suspended both military training and aid. As a result, Ecuador may lose up to $7 million in aid.

In November 2005, the El Universal news station in Ecuador reported that twenty-eight missiles from Bolivia had been transported to the U.S. military in Manta. However, Chancellor Francisco Carrion denied that any missiles had arrived in Manta. Deputy Foreign Minister, Diego Ribadeneira, maintains that the Manta base agreement does not allow U.S. to have missiles in Manta, as its only objective is to curb narcotics trafficking.

Ribadeneira further stated that he does not think that the Manta airbase agreement will be renewed in 2009 because of the domestic tension it has created.

Little Known Stock Fraud Could Weaken U.S. Economy

Story #18 of 2006 reported an increasingly common trend in investment that allows certain firms to cash in big—but puts smaller investors and entrepreneurs in danger. Called “short selling” it involves an investor getting “borrowed” stock from a broker to sell at a high value. In this reversal of the classic “buy low/sell high” model, the stock must drop in value for the investor to make money. Once the stock has dropped, the investor buys it at the lower value and pockets the difference. The law is that the investor must buy the stock back within a given time period. So if the stock price stays the same or increases, the investor must buy the stock back at the higher rate—and lose money.

Normal “short selling,” while controversial, is legal in the U.S.—not so for “naked short selling.” In this case the investor borrows the stock to sell but then never buys it back. This causes an artificial devaluing of the stock that is not representative of the health of a company. Worse, some hedge fund firms have hired analyst companies to do research into companies and then release artificial negative findings to the public. This drives the value of a company’s stock down and ensures a profit for the hedge funds.

The government does little to regulate this practice or the large hedge fund companies that profit from it. Critics charge that it harms small, start up companies that are not yet able to rebound from an artificial devaluing of their stock.


UPDATE BY JOE BUTWILL
Since 2005, naked short selling has begun to get more mainstream coverage.

On March 26, 2006, 60 Minutes aired a news piece entitled “Betting On A Fall” which focused on a legal dispute between a pharmaceutical company and a hedge fund firm. The pharmaceutical company accused the hedge fund of hiring a stock analyst to release an artificial negative report to devalue its stock. Its accusations were supported by former hedge fund employees. After the report was released, the pharmaceutical company’s stock began to slide—by 50 percent in six months. The pharmaceutical company subsequently had two disappointing earning reports, but it claims that the hedge fund and the analyst company created this decline in earnings with their initial report. The hedge fund company claims that it did nothing wrong and that the analysts released an honest and objective report. Meanwhile, the analyst company is fighting a lawsuit by another company that directly parallels the pharmaceutical companies case.

As the last two years have been a “bear market,” interest in hedge funds has grown. In a “bear market,” hedge funds use short selling along with traditional methods to allow investors to create quicker revenue. Biotech companies are turning to hedge funds to create capitol for research. Universities large and small are investing their endowment money in hedge funds.

Unfortunately, these unsophisticated investors may be ignorant to the risks. Biotech startups may be devaluing their own stock to make quick cash. People who donate money to the universities are concerned that the money they are giving for education is going to be lost due to bad management of the investments.

In recent months, another glaring problem with hedge funds has come forward—money laundering. Since hedge fund regulations are so minimal it is difficult to track the flow of money, who it is coming from and where it is going. Some are concerned that drug dealers, terrorists and other criminal enterprises are able to launder their money with relative ease. The SEC and the treasury commission cannot decide who
should take responsibility for this issue, and, with a lack of an actual crisis, no urgency has been placed on addressing this problem.


**Censored #19 2006**

**Child Wards of the State Used in AIDS Experiments**

Story #19 of 2006 was about an allegation that AIDS drugs were tested on young orphans at New York’s Incarnation Children’s Center (ICC), an orphanage. The testing sponsor, pharmaceutical company GlaxoSmithKline, was partially funded by divisions of the National Institute of Health. Without parents to give consent, this vulnerable population of children as young as 3 months old, under control of the State, were exposed to dangerous side effects of experimental drug regimens. The center is run by Columbia University’s Presbyterian Hospital, and the trials were conducted by Columbia University Medical Center doctors. The *Observer* investigation that revealed Glaxo sponsored at least four trials since 1995 using the population of predominately Hispanic and black children at Incarnation. The trials were part of a broader series of HIV and AIDS drug trials that were conducted on orphaned children in at least seven states.


**UPDATE BY ANDREW SLOAN**

In May of 2006 AIDS researcher Liam Scheff revealed to Project Censored that he was one of the original investigators into the ICC scandal. Scheff claims that the “GlaxoSmithKline Allegedly Used
Children as Laboratory Animals” article in the London Observer was deliberately edited by staff to cut all citations and references to him as the original investigator.

Scheff’s piece entitled, “The House That AIDS built,” was published January 2004 on AltHeal’s web site, three months before the London Observer’s piece. He spoke of his tours through ICC, and included transcripts of interviews with a legal guardian of two children held at ICC, and another interview with the medical director of ICC, Dr. Katherine Painter.

Scheff noted was that these were not new drugs being tested, but modifications of classic AIDS drugs like AZT and Nevirapine, both of which have dangerous if not lethal side effects. A few of the studies conducted at ICC include a study of Lopinavir/Ritonavir on infants with HIV.

Last year Project Censored did not cover thoroughly last year were the cases of the children being used for testing. As children of the State, this vulnerable population of orphans have little say about the regimens they are given. Because each State leans towards administering drugs as the best treatment for children tested to be HIV-positive, or children born to HIV-positive mothers, regulations are enforced to ensure strict adherence.

Clinical trials sponsored by the National Institute of Health are not limited to New York or the Incarnation Children’s Center (ICC). They are conducted in participating hospitals around the world. An AP article in May 2005 reported clinical trials on children in seven states and over four dozen different studies. ClinicalTrials.gov, a service of the NIH, lists 957 studies as having locations in forty-two U.S. States, 332 studies outside of the U.S., and fifty-six without location data. This amounts to 1,345 trials being carried out on children around the world.

GlaxoSmithKline is not the only pharmaceutical company sponsoring these trials and providing experimental drugs. There is also Pfizer, Genentech, Chiron/Biocine, BristolMeyersSquibb, Boeringer-Ingelheim, Abbott Laboratories, and others.

Another issue Scheff brought to light is the procedures used to administer drugs to children who resist the treatment. As Katherine Painter, medical director of ICC explained, “For some cases, it’s better administered through a Gastric tube” A Gastric tube is stuck straight into the stomach through the skin and abdominal wall mus-
Another way is to use a Naso-Gastric tube that goes through the nose.

In many states, if a parent notices that their child is healthier off the drugs than on them, and decides not to give the child the prescribed drugs, child services can come to take the child away. Each State has different regulations, but there continues to be a significant population of orphaned children subjected to such experimentation.

An additional finding by the AP study was that, for the orphans with HIV, “overall mortality while receiving the study drug was significantly higher in the daily [dose] group.” Doctors, therefore, are faced with a serious conflict of interests. In 2002, the New England Journal of Medicine began to allow doctors writing drug review articles to receive up to $10,000 a year from a drug company in consulting and speaking fees. “If a doctor is doing that kind of business with four or five companies,” says Dr. Sidney Wolfe on an ABC interview, “he or she can get as much as $40,000 or $50,000 in a year and not violate the New England Journal of Medicine policy.”

Scheff has published his work in the New York Press, Crux Magazine, Hustler, AltHeal, Indymedia, and helped with a documentary called Guinea Pig Kids that aired on BBC.


Censored #20 2006
American Indians Sue for Resources; Compensation Provided to Others

Since 1887 the U.S. government has been legally obligated to manage thousands of Native American land-based trusts or Individual Indian Money accounts accumulated from leases and royalty payments for oil, timber and minerals taken from tribal lands. Since 1887 the government has failed miserably as a diligent trustee by
allowing an accounting fiasco of epic proportions, which cost Native Americans billions in lost royalties. After the 1994 American Indian Trust Reform Act failed to exact any reconciliation from the Department of Interior, the largest class action lawsuit ever filed against the federal government was initiated in 1996 on behalf of some 500,000 Native Americans. Cobell v. Norton seeks to force the government to complete an historical accounting of revenues generated for more than 100 years by leases on American Indian land held in trust and make payment.


**UPDATE BY CHARLENE JONES**

In 2005, Elouise Cobell, lead plaintiff in the suit against the Department of Interior, defended a $27.5 billion proposal to settle as a bargain for taxpayers and asked the House Resources Committee to demand that federal officials cooperate. She charged that decades of fund mismanagement had lost hundreds of millions and indicated that the current offer forgave the Interior for many missed trust fund payments dating back to the 19th century. According to Cobell, totals owed would far exceed any cited in recent corporate fraud scandals, and are estimated to be $176 billion.

The Bush administration persists in its position that the Native Americans’ claims are unreasonable, refusing to offer a full explanation of accounting or settlement figures. U.S. District Judge Royce C. Lamberth, overseeing the case since the 1990s, has been severely critical of the government’s delays, according to The Washington Post. He emphasized that the Interior’s negligence cannot be absolved and cited malfeasance in the management of the Individual Indian Money accounts. Lamberth, according to Indian Country Today, disapproves of the Interior’s failure to identify how much money tribes are owed, expressing his exasperation for obstructionism by government officials. Consequently, the Justice Department, in an extraordinary move in the summer of 2005, asked for Lamberth’s removal from the ten-year-old case, arguing the judge has lost impartiality. The request is expected to be heard by the U.S. Court of Appeals.
Plaintiffs plan to fight any attempt to remove Lamberth from presiding over continued litigation.

Despite such impediments, according to *Mother Jones*, Cobell v. Norton has sustained victories in court and revealed evidence of government abandonment of factual accounting, chronic incompetence, and giveaway contracts of Native American resources to energy and mineral industries. The suit persists and the wait for acceptable settlement legislation from Congress lengthens.


For more information:
http://www.indiantrust.com

**Censored #25 2006**

**Homeland Security was Designed to Fail**

The Department of Homeland Security was touted as the Bush administration’s domestic answer to terrorism, and yet it has never been given adequate funding or treated as a priority. At the time of the department’s inception, preparing for war in Iraq seemed to be the president’s primary focus. Consolidating twenty-two agencies into one cumbersome bureaucracy was a monumental task that many experienced government employees believed would not succeed. Staffing it with political appointees rather than experts, and allowing special interests to dictate policy further set it up for failure.

Soon after *Censored* 2006 was released, Susan B. Glasser and Michael Grunwald of *the Washington Post* published an in-depth report, “Department’s Mission Was Undermined From Start.” The Glasser/Grunwald article talks about Tom Ridge’s frustration as DHS Secretary and the constant Whitehouse dismissals of his requests.

Secretary Ridge found that what he thought was the key reason for his new department’s existence—a comprehensive intelligence center to track terrorists in order to prevent another September 11–type attack—was not part of the plan. One of his top advisers said, “It was if the White House created us and then set out to marginalize us.” Tom Ridge resigned shortly after Bush was re-elected.

Glasser and Grunwald noted that the department’s response to Hurricane Katrina, its first major challenge, “exposed a troubled organization where preparedness was more slogan than mission.” The largest natural disaster in the history of the United States put a media spotlight on FEMA and the Department of Homeland Security’s inability to do its job. Concerns were raised over whether the department could be effective in a terrorist attack if it could not even handle a hurricane that came with advance warning.

During the hearings held after the disastrous response to Hurricane Katrina, former FEMA director Michael Brown complained of a lack of support from the White House. “There was a cultural clash which didn’t recognize the absolute inherent science of preparing for disaster...and the policies and decisions implemented by the DHS put FEMA on a path to failure,” he said.

According to Frank Rich of *the New York Times* President Bush accepted no responsibility for the mishandling of Katrina’s aftermath until “after America’s highest-rated TV news anchor, Brian Williams, started talking about Katrina the way Walter Cronkite once did about Vietnam.” According to the commission set up to investigate the disaster, even now there has been little progress toward repairing the ailing DHS due to “inconsistent executive commitment.”

Following Katrina, the DHS was unable to replace the affected area’s emergency communication system because of the $150 million cost, so it is being done piecemeal. But money did not seem to be an issue when no-bid reconstruction contracts were handed out.
Karl Rove was put in charge of the reconstruction effort in New Orleans and, as expected, loyalty was rewarded far more than expertise. Frank Rich says the list of recipients included the Fluor Corporation, a major donor to the Republican Party, and to a client of former FEMA director, Joe Allbaugh. FEMA’s website requests that donations go to Pat Robertson’s Operation Blessing, even though, according to I.R.S. documents, half of the money it receives goes to his Christian Broadcasting Network. Like Michael Brown, the two top deputies still at FEMA are experts in public relations, not disaster preparedness or relief.

Attention paid to the inadequacies of the DHS and FEMA following Katrina has done little to change presidential policies. President Bush’s 2006 budget requested close to $22 billion for the Department of Homeland Security, along with $11 billion for domestic security programs outside the DHS. By contrast, the budget requested an increase of $28.5 billion for military spending, bringing the total budget to $440 billion—not including additional money earmarked for Iraq and Afghanistan.


For more information:
http://www.fcc.gov/homeland/
http://www.ojp.usdoj.gov/nij/topics/commtech/radiospectrum/welcome.html