

# CounterPunch

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## HOW MANY IRAQIS HAVE DIED IN THE WAR? 30,000? No. 100,000?

BY ANDREW COCKBURN

President Bush's recent off-hand summation of the number of Iraqis who have so far died as a result of the U.S. invasion and occupation as "30,000, more or less" was quite certainly an under-estimate. The true number is probably hitting around 180,000 by now, with a possibility, as we shall see, that it has reached as high as half a million. Almost as soon as President Bush, speaking in Philadelphia in mid-December, enumerated the Iraqis who have died as a result of our invasion and occupation as "30,000, more or less", his handlers hastened to downplay the presidential number as "unofficial", plucked by Bush from "public estimates". Such calculations have been discouraged ever since the oafish General Tommy Franks infamously announced at the time of the 2003 invasion, "We don't do body counts". In December 2004, an effort by the Iraqi Ministry of Health to quantify ongoing mortality on the basis of emergency room admissions was halted by direct order of the occupying power.

In fact, the President may have been subconsciously quoting figures published by [iraqbodycount.org](http://iraqbodycount.org), a British group that diligently tabulates published press reports of combat-related killings in Iraq. Due to IBC's policy of posting minimum and maximum figures, currently standing at 27,383 and 30,892, their numbers carry an air of scientific precision that is perhaps misleading. As the group itself readily concedes, the estimate must be incomplete, since it omits unreported deaths.

There is, however, another and more reliable method for estimating (Dead continued on page 3)

## How the FBI Spied on Edward Said

BY DAVID PRICE

The FBI has a long, ignoble tradition of monitoring and harassing America's top intellectuals. While people ranging from Albert Einstein, William Carlos Williams to Martin Luther King have been subjected to FBI surveillance, there remains an under-accounting of the ways in which this monitoring at times hampered the reception of their work.

In response to my request under the Freedom of Information Act, filed on behalf of *CounterPunch*, the FBI recently released 147 of Said's 238-page FBI file. There are some unusual gaps in the released records, and it is possible that the FBI still holds far more files on Professor Said than they acknowledge. Some of these gaps may exist because new Patriot Act and National Security exemptions allow the FBI to deny the existence of records; however, the released file provides enough information to examine the FBI's interest in Edward Said.

Most of Said's file documents FBI surveillance campaigns of his legal, public work with American-based Palestinian political or pro-Arab organizations, while other portions of the file document the FBI's ongoing investigations of Said as it monitored his contacts with other Palestinian-Americans. That the FBI should monitor the legal political activities and intellectual forays of such a man elucidates not only the FBI's role in suppressing democratic solutions to the Israeli and Palestinian problems, it also demonstrates a continuity with the FBI's historical efforts to monitor and harass American peace activists.

Edward Said's wife, Mariam, says she is not surprised to learn of the FBI's surveillance of her husband, saying, "We always knew that any political activity concerning the Palestinian issue is monitored and when talking on the phone we would say 'let the tappers hear this'.

We believed that our phones were tapped for a long time, but it never bothered us because we knew we were hiding nothing."

The FBI's first record of Edward Said appears in a February 1971 domestic security investigation of another unidentified individual. The FBI collected photographs of Said from the State Department's passport division and various news agencies. Said's "International Security" FBI file was established when an informant gave the FBI a program from the October 1971 Boston Convention of the Arab-American University Graduates, where Said chaired a panel on "Culture and the Critical Spirit". Most of Said's FBI records were classified under the administrative heading of "Foreign Counterintelligence," category 105, and most records are designated as relating to "IS - Middle East," the Bureau's designation for Israel.

Post-Patriot Act alterations of the Freedom of Information Act facilitate the FBI's efforts to keep significant portions of Said's FBI file classified - as if concerns with resolving Palestinian sovereignty from twenty or thirty years ago are indelibly linked to Bush's "war on terror". Large sections of Said's file remain redacted, with stamps indicating they remain Classified Secret until 2030, 25 years after their initial FOIA processing. One 1973 "Secret" report is now "exempt from General Declassification Schedule of Executive Order 11652, Exemption Category 2," and is "automatically declassified on indefinite". Such administrative stonewalling diminishes our ability to understand the past and further complicates our ability to document the FBI's role in undermining domestic democratic movements.

In February 1972, New York FBI agents produced a report listing Said's employment at Columbia University, his home address (Said continued on page 4)

# The NYT and the NSA's Illegal Spying

BY ALEXANDER COCKBURN AND JEFFREY ST CLAIR

When it comes to zeal in protecting the Bill of Rights, between December 22, 1974 and December 16, 2005 it's been a steady run downhill for the *New York Times*. Thirty-one years ago, almost to the day, here's how Seymour Hersh's lead, on the front page of the NYT, began:

"The Central Intelligence Agency, directly violating its charter, conducted a massive, illegal domestic intelligence operation during the Nixon Administration against the antiwar movement and other dissident groups in the United States, according to well-placed Government sources."

And here's the lead paragraph of the NYT's frontpage story December 16th by James Risen and Eric Lichtblau:

"Months after the September 11 attacks, President Bush secretly authorized the National Security Agency to eavesdrop on Americans and others inside the United States to search for evidence of terrorist activity without the court-approved warrants ordinarily required for domestic spying, according to government officials."

Government illegality is the sinew of Hersh's first sentence. He says that what the CIA did was illegal and that it violated

the CIA's charter. What the NSA has been doing is also illegal. Its warrantless domestic eavesdropping is in direct violation of the 1978 law which came about as a direct result of Hersh's expose and the congressional hearings that followed. The eavesdropping also violates the NSA's charter.

Yet it wasn't until the end of the third paragraph that Risen and Lichtblau wrote timidly, "Some officials familiar with the continuing operation have questioned whether the surveillance has stretched, if not crossed, constitutional limits on legal searches."

In the eighth paragraph of Risen and Lichtblau's story comes the shameful disclosure alluded to above:

"The White House asked the *New York Times* not to publish this article, arguing that it could jeopardize continuing investigations and alert would-be terrorists that they might be under scrutiny. After meeting with senior administration officials, the newspaper delayed publication for a year to conduct additional reporting. Some information that administration officials argued could be useful to terrorists has been omitted."

Risen and Lichtblau shirk any direct estimate of how big the NSA's domestic spying has been, though one can deduce from the ninth paragraph of the story that probably many thousands of people had their phone conversations and emails illegally spied upon by the NSA.

The *Times* suggests that it held up the story for a year partly to do "additional reporting". This "additional reporting" seems to have yielded sparse results. Indeed, the December 16 *Washington Post* had a much more compact story by Dan Eggan that not only stressed the illegality in its first paragraph but had material that Risen and Lichtblau missed, namely that the NSA had begun its illegal program right after 9/11, even before Bush signed the executive order okaying the surveillance, some time in 2002. It was Eggan who reported that faxes had also been spied upon by the NSA.

And again, it was Eggan in the *Post* who put the NSA story in a larger context, namely the fact that in the past week the Pentagon has been forced to admit that military intelligence agencies such as the Defense Intelligence Agency have also been illegally surveilling US citizens within the US.

In the TALON Program (Threat and Local Observation Notice) a Pentagon unit called Counter Intelligence Field Activity (CIFA) has been amassing thousands of files on potential threats to US military installations. Many of the subjects of these files have turned out to be antiwar groups and anti-recruiting activists.

Eggan also reported that "Teams of Defense Intelligence Agency personnel stationed in major US cities [have been] conducting the type of surveillance typically performed by the FBI: monitoring the movements and activities — through high tech equipment of individuals and vehicles."

Who designed this policy? Deep in the *Times* story hardy readers trudging through Risen and Lichtblau's leaden prose would have tripped over vice president Cheney's name in the twenty-fifth paragraph where he is described as bringing congressional leaders to his office to brief them on the program. Only in the forty-eighth paragraph do such readers as have survived the trek learn that the legal brief justifying this onslaught on the US Constitution was written by Professor John Yoo, at that time at the Department of Justice.

Members of Congress, aside from Senator Jay Rockefeller, raised no demur. It was the judiciary, in the form of judge Colleen Kollar-Kotelly, presiding over the secret intelligence court established by FISA, who reprimanded Justice Department lawyers for trying to get legal warrants from her, using as "probable cause" data from the illegal surveillance, although not admitting this.

In fact it's something of a puzzle why the *Times* finally did publish the story, after sitting on the information leaked to it by the NSA officials worried that they might get prosecuted for illegal surveillance. It is true that publication came in the closing hours of the battle in the US Senate over reauthorization of the Patriot Act. And it's probably true that the publication of the story pushed enough wavering senators into the ranks of those who on Friday successfully fought to get the bill shelved, in a major defeat for the White House.

It's also true that all year Risen has been hard at work on a book about the conduct of US intelligence agencies in the "war on terror" after 9/11, slated for release soon.

The book's launch will no doubt be accompanied by some new disclosure by Risen, designed to give the book lift up the charts. Perhaps that too will be a story he's been keeping in the larder for months. CP

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