

# Judith Miller defends New York police repression of antiwar “terrorists”

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5 May 2007

Judith Miller, the former senior correspondent of the *New York Times* who played a key role as a conduit for the fabricated intelligence about Iraqi “weapons of mass destruction” used to drag the American public into the Iraq war, has found her way back into print—this time as a mouthpiece for selective and self-serving intelligence released by the New York City Police Department.

Miller left the *Times* with a hefty severance package a year and a half ago, posing as a martyr for the First Amendment and—as she wrote in her parting statement—a hapless victim of “public fury over the intelligence failures that helped lead our country to war.”

Her dubious claim to First Amendment credentials stems from her spending 85 days in jail for defying a court order to divulge a confidential source. While the principle of press freedom from judicial coercion is no doubt important, in Miller’s case the source she was protecting was the since-convicted chief of staff for Vice President Cheney, I. Lewis Libby. By all appearances Libby was collaborating with the *New York Times* reporter in the scheme to punish Joseph Wilson—who blew the whistle on the Bush administration’s false claims about Iraq seeking to buy uranium in Niger—by exposing his wife, Valerie Plame, as a CIA operative.

The episode was marked by the same ideologically based intimate ties that Miller established with her sources in the Bush administration, US and Israeli intelligence and the Iraqi exile groups.

This same kind of relationship with the top echelons of the NYPD is revealed in her piece published Thursday on the notoriously right-wing editorial page of the *Wall Street Journal*, which was provocatively titled, “When Activists are Terrorists.”

The article amounts to a defense brief for the NYPD brass as it faces multiple lawsuits in relation to the police-state crackdown unleashed against peaceful demonstrators during the 2004 Republican National Convention. Nearly 2,000 people were rounded up during the convention, including people who were not even demonstrating but merely happened to be on city blocks where cops carried out mass arrests using plastic nets to corral everyone in the area.

Many of those arrested were taken to a makeshift detention facility set up in a filthy and contaminated depot on the Hudson River where they were held under inhuman conditions for days before being released. The aim was to keep them off the streets for the duration of the convention based on charges that were—in all but handful of cases—subsequently dismissed.

*New York Times* ~~Manh~~ ~~secret~~ revealing that in advance of the August 2004 convention, the NYPD intelligence division had carried out a massive and international spying operation targeting a host of nonviolent protest groups, including church groups, opponents of capital punishment and street theater ensembles, based strictly on their opposition to the policies of the Bush administration and the war in Iraq in particular. Political dossiers were established on an unknown number of individuals who were suspected of no crimes.

Last February, a federal judge recognized the blatantly illegal and unconstitutional character of the NYPD’s spying and barred the department from investigating political activity unless there is some evidence of unlawful activity.

The judge also issued an order barring the New York City police from routinely videotaping people engaged in legal political protests.

The court decisions marked the first reversals for the NYPD in its bid to wrest back powers of political repression, spying and infiltration that existed during the period of the infamous Red Squad and that were somewhat curtailed by a 1985 court decision known as the *Handschu agreement*. The city and its police department have insisted that in the wake of the September 11, 2001 attacks, restrictions on illegal police spying must be rescinded. As the RNC protests demonstrated, the expanded police powers claimed by the NYPD as a tool needed to combat terrorism have been utilized to suppress and intimidate political opponents of the government.

Miller writes, “Stung by the criticism, Police Commissioner Raymond W. Kelly, David Cohen, the deputy police commissioner for intelligence, and Paul J. Browne, the NYPD press spokesman, outlined in interviews last week the nature of the police’s concerns.” Playing the same role as state-sponsored stenographer that she filled while reporting on the manufactured Iraqi WMD threat, Miller dutifully sets out in her *Wall Street Journal* piece to argue the NYPD’s case.

To facilitate the former *Times* reporter in her mission of rebutting the exposure of police spying by the *New York Times*, the department apparently gave her access to “600-plus pages of still-secret intelligence documents.” This was the same material that had been leaked to the *Times* and formed a principal basis of the article written by Jim Dwyer last March.

What is significant about this special access granted to Miller is that city attorneys representing the NYPD have gone into federal

court to insist that these same files be kept secret, citing concerns that the media would “fixate upon them and sensationalize them.” They have also demanded that lawyers representing those arrested during the RNC swear under oath that they did not leak the classified documents to the *Times*.

As Sean Gardiner of the *Village Voice* reported this week, New York Civil Liberties Union Associate Legal Director Christopher Dunn cited Miller’s article in a letter to Manhattan Federal District Court Judge James C. Francis asking him to dismiss the city’s motion to keep secret the documents on police spying in advance of the RNC. “This reporting plainly suggests that the NYPD provided Ms. Miller with the very documents the City is insisting to this Court must be kept secret,” Dunn wrote.

No doubt the distinction between Miller and the run-of-the-mill media is a clear one for the NYPD, whose intelligence deputy commissioner Cohen is a former director of operations at the CIA. After all, while working at the *Times*, Miller was granted a classified security clearance by the Pentagon, the terms of which required her to withhold any secret information from both the newspaper’s editors and its readers. She had moreover proven she could be trusted with classified material, such as that fed her by the administration about “aluminum tubes” that supposedly exposed a nonexistent Iraqi nuclear weapons program, which became a key pretext for launching the US war.

Based on her reading of the secret documents—“coupled with interviews of senior police officials”—Miller concludes that they do “not show that the police monitored such peaceful groups and individuals because they opposed their political views,” but merely because they wanted to determine the “motivations of people who were planning to attend the convention.” That spying on political groups, with no evidence of criminal activity, to determine their “motivations” violates constitutional rights to freedom of speech and assembly is not a problem for Miller.

This, she makes clear, is because such violations must be “framed in the context of the threat New York was facing.” She notes that since 9/11, the city had seen “11 separate terrorist plots ... beginning with the still-unsolved anthrax letter attacks of October, 2001 ... to the thwarting of a plot in July 2006 to destroy the PATH subway linking New Jersey to Lower Manhattan...”

How do these events justify surveillance and infiltration of nonviolent groups opposed to the Iraq war? Evidence surrounding the anthrax attacks, which indeed remain unsolved, point to a source connected to the US military’s germ warfare program and right-wing elements. As for the so-called PATH plot, it involved an individual arrested in Lebanon who had no weapons, explosives or money, had neither been to New York City nor apparently had any means of getting there. He was charged on the basis of an Internet “chat” with people he had never even met.

Miller attempts to spice up her account with various facts culled from the intelligence files. They reveal, she says, a scheme to “switch subway signs to disorient [Republican] delegates,” plans to “harass delegates,” and a call to “disrupt Broadway performances attended by delegates ... designated as ‘Chaos on Broadway.’”

She says that NYPD spies also learned that “The Syracuse Peace Council ... which planned to block traffic in New York, held

weekend training aimed at ‘building our own radical activist infrastructure.’” Presumably, this lumps the Syracuse pacifists together with the other “terrorist activists” who are the subject of Miller’s article.

Then there are facts thrown in that read like random citations from the police blotter. “A man arrested on Aug. 20 for criminal trespass and possession of burglary tools in the Mandarin Oriental Hotel, had been arrested more than 25 times in California for various offenses.” Aside from the fact that the move to the East Coast apparently failed to improve the burglar’s luck, how this justifies political spying is a mystery.

Miller also quotes Cohen, the ex-CIA official at the helm of the NYPD’s intelligence operations, asserting that the arrest of more than 1,800 people—a virtually unprecedented number—actually showed restraint, given the size of the demonstration. She regurgitated his dubious claim that it actually represented “the lowest arrest-to-crowd ratio of any major political gathering.”

Miller concludes her piece by declaring that “it would be a pity” if the court challenge to the NYPD’s political spying served to “dissuade other law enforcement agencies from adopting a similar approach.”

She continues: “For although I am devoted to the First Amendment and privacy rights ... I also want the NYPD to have the tools and programs to protect the city from terrorist attacks. If that means scanning the Internet and sending plainclothes officers to public meetings to learn about planned actions that might turn violent, or be infiltrated and taken over by violent dissidents, so be it.”

The NYPD’s choice of Judith Miller to make its case in defense of political spying sends an unmistakable message. The same methods of political deception and outright criminality used to launch the war of aggression against Iraq continue to be employed in the drive to destroy basic democratic rights within the US itself.



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