**Dr. Robert Bowman:** I'm Dr. Robert Bowman, a board member of the Peace Institute and a newly appointed board member of the ACLU. We are very pleased to have Ray McGovern here joined by two of our professors from the Political Science Department - John Crosby and Michael Coyle.

The Peace Institute at Chico State is committed to present events on a wide variety of subjects which inform members of the campus and local community about critical issues related to peace and justice. These are issues that affect us all. I'm so happy to see so many students here tonight because this is your world we’re talking about, the world of our children and our grandchildren. I think that's where we all share a common bond and a common concern. We may have different solutions to some of these of problems that the world is facing right now but we do have those common concerns. We certainly want a good outcome for the majority of the people, the vast majority. Sometimes we will come up with different ideas and so we, we can disagree but we can do with a very collegial and respectful manner. Sometimes we feel very strongly about some of these issues. We should. I would hope we feel strong about them and not feel lukewarm. Lukewarm is nothing. And but realize that everyone here is coming from their own experience and their own knowledge and hopefully from being very well-informed about the issues at hand.

Just a few words about Ray. He holds an MA in Russian Studies from Fordham University, a certificate in theological studies from Georgetown University and is a graduate of Harvard Business School's Advanced Management Program. After serving two years in the U.S. Army, Mr. McGovern became an intelligence analyst for the CIA, serving for 27 years from the years 1963 to 1990. His CIA career began under President John F. Kennedy and lasted until the presidency of George Herbert Walker Bush. Ray McGovern chaired the National Intelligence Estimates and prepared the President's daily brief and in the mid-80s was the senior analyst conducting early morning briefings one-on-one with the vice president, the secretaries of state and defense, the chairman of the Joint Chiefs of Staff and the assistant for the president on national security. One of his specialties was the analysis of Soviet policy in Vietnam during that conflict, but after his retirement Mr. McGovern became a founding member of a group called Veteran Intelligence Professionals for Sanity, VIPS in short, and they were instrumental in warning or trying to warn the public about the faulty intelligence in the run-up to the invasion of Iraq in 2003 and more recently have questioned U.S. intelligence regarding the Ukraine. At his retirement in 1990 McGovern received the CIA's intelligence commendation medal. He later returned the medal in protest of the CIA torture and rendition policies. He has written frequent and provocative articles for alternative news sources such as Consortium News and other publications on a wide variety of important subjects. He lectures around the world, often participates in nonviolent actions to bring attention to the policies he opposes, and urges all of us to wake up and join him and other concerned Americans in pressuring the U.S. government to change course before it's too late to preserve our democratic institutions and avoid another world war. I invite you to check out some of his writings at [www.Consortiumnews.com](http://www.Consortiumnews.com) and [www.RayMcGovern.com](http://www.RayMcGovern.com).

I'll never forget the first time I heard Ray speak, I was driving from Hilo to Kona, where my son was living at the time. This was 2003 and I turned on, as I often do, “All Things Considered,” at four o’clock in the afternoon. And I heard this veteran intelligence analyst state that while he didn't know about George W. Bush, he was convinced the people around George Bush presented a clear and present danger to our democracy. This got my attention and I have following Ray ever since.

I’m very impressed with his integrity, his courage and his ability to dig for the truth and presented in a cogent way for all of us. It is with great pleasure that I introduce Ray to you, but before I do that I want to say a few things about our panel. I will be filling in for Richard Jenkins, who's not here, and I’ll be the moderator.

First of all, at the very end [of the table] we have John Crosby, who is a lecturer in Political Science. He has a BA in International Relations from UCLA 1982. He has a MA in International Relations and American Government from Chico State in 2006. He teaches courses in international relations, American foreign policy and theory. He is a retired Army officer -- a Major -- and he was in the service for 20 years. He has a wife, Pam. and he has four kids. Okay, I had to really work on Michael Coyle who is an associate professor of Political Science. All he put at first was that he is a fantastic preparer of lamb and he loves to have Russian Easter or Greek Orthodox Easter.
Dr. Michael Coyle: Greek!

Dr. Robert Bowman: I betrayed my, I betrayed my prejudice. But he does do other things. He teaches courses in justice ethics, diversity and deviance, and prisons in society. And he's been working a lot on restorative issues of restorative justice. And he has been the Chair of the Peace Institute board before he took off for a year of fun and hard work actually. But he is very rejuvenated. We’re so happy to have everyone here. Now may I introduce Ray McGovern.

Ray McGovern: Thank you very much, and special thanks for the younger generation who helped set up this apparatus here. No, no offense to the older generation but we need young technical people, and that’s the good news actually, folks! The government cannot do this kind of intrusive, blanket, dragnet surveillance without heavily qualified, incredibly bright, technically oriented people. And if there's only one in 1,000 of those technical people who thinks that it’s really important to have—let’s see if I have it here, yeah!—this is the Constitution of the United States. It’s the basic thing that many of us—let me ask for a show of hands of who besides me has sworn a solemn oath to support and defend the Constitution of the United States against all enemies foreign and domestic. OK, it looks like just the older generation, the older generation. Okay.

Okay, well that’s important, because with the all these technical people, even if it's just one in 1,000, like Edward Snowden, who sees that this Constitution has been grossly violated, and specifically the Fourth Amendment—What’s the Fourth Amendment about, anybody know? Yeah, privacy. You have to forgive me because I’m half deaf, so when you speak up just yell. It’s not you, it’s me. Yeah, the Fourth Amendment states, “The right of the people to be secure”—we’re talking about security here—“The right of the people to be secure in their persons, houses, papers, and personal effects from unreasonable searches and seizures shall not be violated, and no warrants shall issue except upon probable cause supported by oath or affirmation and specifically defining the places to be searched and the person or things to be seized.” Very simple, one sentence, comes out of the very, very hard experience with the British colonies, the colonists, who would raid the houses and have free access all our personal possessions. So it was taken very seriously. Now, if there's one in a thousand technical people who thinks this is still important and who has sworn an oath to defend it, you’re going to get people like Edward Snowden and that means that the government is going to be—the abuses of any government will be recognized and exposed.

I want to recognize my time here so don’t go over. So again, thanks for enabling this to go, and thanks for those of you who are here and were around last night. You must be gluttons for punishment to come back for more. So let's get with it!

I want to fast-forward here. I’m a CIA analyst. That means I’m not a CIA operative. That means that I don’t belong to the part of the CIA that involves—I’m sorry, I almost said overthrowing governments, we don’t say "overthrowing governments" anymore, we say what? "Regime change," right. So we do regime change, and we don’t torture anybody, either, we do enhanced interrogation techniques. Right. So we have all these euphemisms—I just want to say that I tried to distance myself from that, and the only way I could since I was already retired was to take my big medallion they gave me, not many people get this exceptional performance award at retirement—I took it the back to the head of the House Intelligence Committee and said I don't want to be associated, however remotely, with the agency openly engaged in torture. When I say openly, it was right after the head of the CIA went down with, went down with, who was it, somebody took the head of the agency down to see John McCain, the Senator, and said look, that legislation that you've prepared, you've got a give an exception to the agency 'cause we have to still be able to do these enhanced interrogation techniques, OK? It was the vice president, VP Cheney took the head of the CIA down to John McCain's office, openly said, That legislation that you want to forbid the armed forces to do torture, well we want an exception. And that was too much for me, and that's when I gave my medallion back. I didn't want my grandchildren coming up to me later and saying, hey, Grandpa, you worked for the CIA, huh? What's it like to torture people? I wanted to be able to show them that in some tangible way, not writing, not speaking, but in some tangible way that I tried to dissociate myself from all that.
No, we’re not going to be talking about torture and stuff tonight. We’re going to be talking about the Fourth Amendment. We CIA analysts took our responsibilities under the Constitution very seriously, and in the midst of my early career we found out, or the world found out, because a couple of very imaginative investigative reporters, Sy Hersh among them, divulged the family jewels. Now what’s the family jewels? These were the abuses that not only the CIA was doing in the 50’s and 60’s, but that J. Edgar Hoover and the FBI was doing then, okay? Long story short, it was decided they needed to have a congressional investigation of this, and Frank Church, the head of—well, a senator from Idaho—was appointed the head of the Church Committee which looked into these abuses. And what’s the first thing that Frank Church found out, anybody know? He found out that his own home phones and his office phone were being tapped by J. Edgar Hoover. You know, J Edgar Hoover was trying to blackmail Dr. Martin Luther King, Jr.

Do you know the whole spiel about J. Edgar Hoover having free reign to monitor presidents as well as everybody else? And so this was judged in those days—we’re talking the medieval ages now, we’re talking the 70s—people thought this was wrong; and there was a huge outcry, and the Church Committee did a really good job. And on this specific facet of the abuses, namely intercepting communications and wiretapping phones, they created a law, and it’s called the FISA law, the Foreign Intelligence Surveillance Act, 1978. It put into context this Fourth Amendment that I just read you, or that I just recited for you. Now that was the way things worked, and the immediate effect I could see in my inbox from this law was that NSA was being so fastidious, was being so careful not to violate that law, that I would get a piece of paper in my inbox—we had inboxes made of wood back then, can you imagine?—it would have holes in it. And I looked at the holes and it didn’t take me long to figure out, because I’m a crackerjack analyst, that those holes were the names of American persons. Now the intercepted message has to do with some foreign issue or foreign problem, but they were so careful not to include the names of American citizens that they didn’t blacken them out, folks—you guys know that if you blacken something out that sometimes you can turn it around here and sometimes you can figure it out—they razored them out, razored them out! That’s how sacred they felt the duty to observe the law.

Now, this pretty much was in effect until 9/11, and as you heard so many times, you can complete the sentence for me, after 9/11 everything changed, right? So what happened after 9/11 is Dick Cheney the vice president invited Mike, Michael Hayden, who was the head of NSA, into his office, and he said, “Okay Michael Hayden, we know about that first commandment out there at NSA. We know that it says Thou shalt not eavesdrop on Americans without a court warrant.” General Hayden says, “Yes, sir!” Dick Cheney said, “Well, forget about it! Forget about it! We’re gonna do it.” You know why? 9/11 terror, 9/11 fear, fear, terror, terrorism, 9/11, 9/11 terror. And we’ve got the Congress going along with this. Now General Hayden took the same oath many of us did, to support and defend the Constitution of the United States. So he had a problem. He’s a commissioned officer at that time, he had three stars. What’s he going to say to Dick Cheney? Said, “Yes, sir!” And introduced the most intrusive collection—you know, it boggles the mind, would you believe all our e-mails, would you believe all our telephone calls, would you believe all our video? Not just the metadata, folks. It’s all stored! That’s why they need a warehouse the size of several football fields in Bluffdale. Bluffdale, Utah, somewhere like that, and a couple other places as well. Now you know how much you can store on one of these, right? So you can imagine what they’re storing, not just metadata. Metadata is just the addresses, to and from, time of call, back, that kind of stuff. So, Generally Hayden said, “Yes, Sir, will do”, and he went back and he got a small coterie of people that were willing to do this stuff. And jocularly I say NSA, instead of National Security Agency or instead of being called what wags called it in the early years, No Such Agency. NSA -- it became No Such Amendment. No Such Amendment, and that’s serious, folks, that’s serious.

Now, it wasn’t long before another enterprising journalist named James Risen found out about it, okay? And when did he find out about it? He found out about it in the middle of 2004. He was covering the subject as he always did, national security issues for the New York Times. Big, big, Pulitzer prize-winning journalist, getting big figures from the New York Times. So he discovered this in July of 2004, and he said, “I’ve got a big scoop.” He said to Sulzberger the publisher, “Big scoop, and we ought to put it right out because this is violating our Fourth Amendment Rights.” And Sulzberger said, “Oh, Oh! Um, maybe we ought to check it out first with the White House.” And so they did. And surprise, surprise, the President said, No, Fear Fear, 9/11 9/11, you know, a 9/11 terrorist, terrorist, Terrorist! That’s what will happen, we’re getting all kinds of terrorists this way, and we’ll lose our terrorists, our ability to collect on
terrorism. So Sulzberger says, Okay, Okay. And besides, this was four months, five months before the election in 2004, and Risen was told, “You know, we in the New York Times, we don't like to take sides in the election and so it would look like we wanted Bush to lose. And of course not publishing it is taking sides, right? So they sat on it.

Now, fast-forward: we were talking about mid-2004, now it's December of 2005, and James Risen goes up to his superior at the New York Times, and says, “Mr. Sulzberger, I hate to tell you this, but my book that I’m writing, a few chapters of which depict what I've learned about the blanket surveillance, illegal surveillance by NSA, it’s in galley, it's going to be out in two weeks. And you know, this is your business, Mr. Sulzberger, but it seems to me it’s going to be a little bit embarrassing for you if one of your prized journalists, you pay him big bucks, you don't print any of his stuff until the book, or when-- “ So Sulzberger says, “Oh, gosh! Call up the White House!” Bush invited him into the Oval Office, and he said, No. Terrorism, Fear Fear Terrorism 9/11 9/11 Terrorist! You can't do it! And Sulzberger said, “Come on, Mr. President, I put it off for a whole year and a half, and this is all the news that fit to print, and our guy has a book on it, and I, I’m going to have to do it.” So he walks out the door and the President says I don't agree, I don't agree! Terrorism terrorism 9/11 9/11!

So it was not divulged until 10 days later, the middle of December 2005 now, and it fell to the head of NSA who had just left his office to become the head of the National Intelligence Director, okay, Michael Hayden again, who is given the job to, as we say in the Bronx ‘splain it, ‘splain it to the folks, ‘splain everything, okay? Now he really got right up to the job and in mid-January 2006 now, okay, he went before the National Press Club, big press interview, made a little speech, and then in the Q&A section, I want to show you how he answered one question and it's just a minute and a half so if you fall asleep you're not going to get it and it's on the exam, okay? So I don't want use up all our time. What happened, and this is kind of interesting the way things work in Washington -- After Sulzberger and --Sulzberger is the publisher of New York Times—when he and the New York Times Bureau Chief from Washington, after they left the office and Cheney and Bush were really upset, they were so angry that they didn’t think to tell the head of NSA who at that time was Gen. Alexander.

Okay, so the next day, which I believe was the, yep, was the fifth of December 2005, after the Times had prevented James Risen from publishing this thing for a year and a half, a fellow named -- the Representative from New Jersey named Rush Holt, who was on the Intelligence Committee, had a parish call at the NSA, which means he was on the oversight committee, right, looking at what NSA was doing, ensuring, that was making sure it was all within the law, so he went out to NSA on the 5th of December, the 4th of December was this scene in the White House. But nobody in the White House thought to tell General Alexander that the cat was out of the bag. So, Rush Holt goes up to General Alexander and says, “General, I hear rumors that you're collecting information on American citizens”, and General Alexander goes, “Perish the thought! You know about the First Commandment in NSA: Thou shalt not eavesdrop against American citizens without a warrant! We would never do something like that!” Ten days later it’s on the front-page of the New York Times. What does was Rush Holt do? Now this is serious, folks. You don't lie to Congress, and especially you don’t lie to the oversight committee who’s supervising or checking on your activities! So Rush Holt is livid, and he says that General Alexander will never get another star if I have anything to do with it! He only had three at the time. Fast forward, now he's got four, he's retired, but he not only became head of NSA grid he became head of what else, the Cyber Command. This is cyber warfare offensive as well as defensive, and so the guy was about the most powerful man in Washington when he retired. He also lied a lot, and we’ll see about that later.

Okay, let's see if we can get this going here.

**TAPE:**

**Q:** I understand that [inaudible] the Fourth Amendment of the Constitution specifies you must have probable cause to be able to [inaudible] a search and not violate an American's right against unlawful searches and seizures...

**General Michael Hayden:** The Fourth Amendment actually protects all of us against unreasonable searches and seizures...

**Q:** The measure is probable cause.
MH: The amendment says unreasonable search and seizure.
Q: But does not say probable cause?
MH: No.
Q: The [inaudible] says probable cause.
MH: Let’s be very clear. Believe me, if there’s anything that the Constitution [inaudible] it’s the Fourth, and it is a reasonable standard under the Fourth Amendment.
Q: To quote the Fourth Amendment to the Constitution of the United States in its entirety [inaudible] to the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

Announcer: Well, they had a different Constitution…
END TAPE.

Ray McGovern: Now, another teaching point here, where did I say that was? [inaudible] Did you know about this? Did you know about this bold-faced lying…? Yeah, you did, okay. So, teaching point: you’re not going to know anything about what’s going on here if you think you get it from Fox News at night, or you think you get it from the New York Times in the morning, or the Washington Post was there represented. You need to know where to look on alternative media, okay? And the first thing I do in the morning is listen to Amy Goodman, Democracy Now.Org. Now, I’ve been getting up at 17 minutes before eight ever since I learned about Amy Goodman, which about 10 years ago.  At 17 minutes before eight, because it takes an Irishman 15 minutes to make a decent cup of coffee and I’m talking instant coffee, you know? And then I’m awake for 2 minutes before Amy comes on. Now, I learned since that you can get it live all the time, just democracynow.org and she’ll come right on, 15 minutes of straight news which may not, straight news like this, okay, and then commentary. I’ve learned more about American history from Amy Goodman than I have about foreign affairs. Now I’m going to trust my luck here. I’m going to show you one more clip, because I’m running out of time and I ask you to understand this because I’ve learned, especially with young people, that pictures really are worth 1,000 words.

Now if I told you about that would that have had a similar impact, to see that guy lying through his teeth? No. And so God bless the [inaudible] and others of the world that run this stuff. Now this is another thing here, and let’s see if I can do it. Now, James Clapper sits at the top of the national intelligence set up. How many agencies does that involve? Sixteen, right. Sixteen. Now, he was asked—well, I’ll tell you, you can see what he was asked, but, ah, I’ll comment on it after we get it. If we get the lights again and we have any luck—

TAPE

Senator Ron Wyden: Just one, Madam Chairman, I thank you and just bring you Director Clapper again on the surveillance front. I hope we can do this in just a yes or no answer because I know Senator Feinstein wants to move on. Last summer the NSA Director was at a conference, and he was asked questions about the NSA surveillance of Americans. You replied, and I quote here, “The story that we have millions or hundreds of millions of dossiers on people is completely false.” The reason I’m asking the question is, having served on the committee now for a dozen years, I don’t really know what a dossier is in this context. So, what I wanted to see is, if you could give me a yes or no answer to the question, Does the NSA collect any type of data at all on millions or hundreds of millions of Americans?

James Clapper: No, Sir.

RW: It does not?


RW: Thank you, [inaudible] questions to give you in writing, [inaudible] thank you…

END TAPE

Ray McGovern: Okay, folks, would you believe that James Clapper was told the previous day that Sen. Ron Wyden, bless his heart, from Oregon, just north of us here, was going to ask precisely that question? He was told, and he lied anyway. Now-- of course he was dumped right away. President Obama said,
“Out with you!” Right? Right? No. So who’s the National Intelligence Director now? I know, whose the National Intelligence Director now? That was March 12 of last year. So who’s the new one? There ain’t no new one! He’s the same guy! He’s still in place! It’s just like Alexander! Instead of not getting another star, he got another star and another command. So, it’s a pretty corrupt business here we’re in.

Now, I’m going to just finish by saying a couple things here about what happened after; after Clapper lied about that. Well, what happens is, when the, when a member of the establishment gets caught in a lie like that, then they arrange to have an interview. And so he had an interview with one of the NBC correspondents, and she said "Now, General Clapper, or, he was a general, he’s an Air Force general--Mr. Clapper, retired, um—Andrea, what’s her name? I’ll remember her last name in a second—she’s one of the establishment questioners--General Clapper, what were you thinking, you know, why did you, may have, people have criticized you now for not being accurate—never say lie in Washington it’s not being accurate—and you know what he said? He says, Well, I told the least untruthful thing. Oh, okay! All right then! That’s how bad it is.

Now, why is it important? Well, it’s important because Ed Snowden was watching that. Ed Snowden has now said that that’s what did it for him. He saw what was going on, and when he saw the chief of all this, the head of National Intelligence who supervises the NSA, lying through his teeth, under oath before Congress, that’s it! And that was March 12. You remember when Snowden left and went to Hong Kong and give up all his information, that was June. So March, April, a couple months later. That’s big, okay? And not only that, but we American citizens were able to see right up front that we were being pretty much violated—Fourth, Fourth Amendment—not the first commandment out of the NSA by the boards—and then we were confronted with a strange rationalization by most Americans, “Well, I’m not doing anything, I don’t care if all my phone calls or my e-mails are collected. You know, I have nothing, I have nothing to be ashamed of.” What’s wrong with that? Yeah, you don’t get to decide! And the government is not above classifying stuff that was unclassified, for example, and if they want to get you they have a very fertile file that they can draw on. And folks, it’s not just the metadata. The metadata can show you a lot of stuff, but they’re also collecting the actual information.

Now, I’ll close now, because I’m out of time, but I want to just reply to this business about "we have nothing to hide" so, you know, it’s not a problem. Have any of you seen [German], the English title was The Lives of Others. It’s about East German police, the Stasi, and I think the numbers work for every eighth citizen there would, every eighth citizen was working for the Stasi, or something like that, okay. So the Stasi was, you know, monitoring everything, and this film is about this guy was monitoring the private lives of some, well, semi-dissident artist and so forth, it’s really good. Anyhow, after Ed Snowden revealed all this stuff they contacted one of the main, senior guys from the Stasi. His name was Wolfgang Schmitz. This sounds like, I know, a caricature, but that’s his real name. So they said, “Wolfgang, what do you say to these people who say, I have nothing to hide, no problem for me, what do you say?” He was really indignant. This is what he said, “The people who say they have nothing to hide are incredibly naıve. This is why the government collects the information on them, to use it against them. And the only way to prevent this from happening is to prevent them from collecting the information in the first place!” Now he knows what he’s talking about, okay?

So, that’s where I’ll leave it. You know, there’s a lot of deceit and there’s a lot of rationalization, but this is a credible infringement on our personal privacy. It’s in direct violation of the Fourth Amendment, and why is it that Congress is not up in arms about it? Anybody know? Because they’re complicit, is that what you said? What did you say, I’m not hearing you. Yeah, it’s even worse than that. They’re complicit. The Congress you know, was similarly scared by 9/11, 9/11, fear, fear, terror, terrorism, 9/11, and so they won’t vote against any of this. Please, question.

Audience member: After 9/11, any dissident view was labeled “unpatriotic.”

Ray McGovern: That’s it, who wants to be unpatriotic?

Okay, the last thing I’ll just say is that, you know, when Gen. Alexander, whose incredible record for credibility would not bear close scrutiny, when he was asked when all this was revealed by Snowden,
“How many terrorist events have you prevented by this intrusive dragnet collection?” He said, “54.” And the next Senate hearing was the Judiciary Committee. They’re not in bed with the intelligence community, and so he was asked again, “How many, now how many terrorist events did you prevent by this intrusive collection?” He said, “One.” You know what that was? A Somali—tell us, tell us.

[Audience] Yeah, right! A Somali taxi-driver in San Diego wiring 6,000 -- I think it was $6000 -- to his friend who was a member of a known terrorist group in Mogadishu or Somalia. So Alexander was asked, did that stop a terrorist event? Well we think it would, $6000! So, there is no proof and all the commissions that have looked into this have said, including the President’s Commission itself, that not one terrorist event has been prevented by all this violation of our Fourth Amendment rights.

So, last thing here is that, can it the useful at all? As I said, just storing the content. Yes, it can be useful. Now when J Edgar Hoover made his big name it was about this. What is it? What are these? Fingerprints, right? Okay, now. If a robber left a fingerprint on a teller window, the man and his fingerprints are in the databank, they got him, right? How many, how many robberies of banks were prevented by fingerprints? I mean, it’s really good for catching the robbers after they got away with the loot, right? But did it prevent any? I don’t think so. Similarly here. You know, you can go back as they did with the Tsarnaev brothers, the guys up in Boston. You know, one of them got killed, the other one, well \ they looked at the wife of the one that got killed, and they had her in the bank. And they looked back and they had not only the metadata, folks, but they had the content of her conversations with her husband -- before he got killed, of course. So this is proof in the pudding they can go back, they can get this stuff on any of us, but in terms of preventing a terrorist attack? The ridiculous thing they say is that we need a big haystack and the way we’re going to catch terrorists is add more hate to the haystack, and how you going to find that needle if you keep adding hate to the haystack? There are very sophisticated retrieval mechanisms, but they’re not going to prevent, not one terrorist attack, and meanwhile the traditional detective or intelligence methods are not being used, and so things are not being prevented. Thanks for your attention, and thank you again for help on the whatever it was too.

[Applause]

**Dr. Robert Bowman:** Alright, John would you like to go next?

**John Crosby:** [inaudible] United States Constitution. I was an Army officer. I was enlisted, was sworn to defend the Constitution from all enemies, foreign and domestic [inaudible]. The Constitution as a document is a social contract among us. We create the document that we call the Constitution. It is a social contract. 223 or 224 or 225 years ago, Americans came together to create a Constitution. 90% of Americans were farmers. It was a very unsophisticated society. Industrialization was just beginning. There was no such thing as Internet. No such thing as a telegraph. No such thing as rail service. We lived in a very, very simple society.

We don’t live there anymore folks. We live in a really complicated, interconnected world. We live in a world where one push of the domino can cause a cascading effect. We can sit here and say we need to defend our rights. All rights are all important. But understand that if something does happen, terrorist actions, something of that nature. Who do we blame? We’re going to blame those very same political leaders that didn’t create this big old freakin’ haystack of information. Now I’m not arguing that we create this big ol’ haystack of information, I believe that it’s really a pretty stupid way of collecting information. What I am saying though is we do need to look at our Constitution. We do need to look at it as a living document. I know that my esteemed colleague -- that the Eighth Amendment to the Constitution prohibits cruel and unusual punishment. Well what does cruel and unusual punishment mean? Well for the founders it meant like taking hot little pincers and making them red-hot and then ripping the flesh out of people’s bodies. That’s what the founders meant by cruel and unusual. But now we have Supreme Court justices who say that anything, any death penalty, is considered to be cruel and unusual. So when we look at the evolution of words and language it does make sense. It does need to be to be taken into account.

So when the Fourth Amendment to the Constitution says we need to be secure in our papers and our effects against reasonable search and seizure... God, I hate to be talking about Alexander. But what does
unreasonable mean? Do we need to change the word, do we need to revisit the word “unreasonable”? And give a different meaning? And have the different meaning that we all agree upon. Once again it's an agreement. Once again the Constitution is an agreement among citizens in the United States. Do we want it to mean collecting information? Do we fear, fear, fear, 9/11, 9/11, 9/11, is that what drives us? Where do we clearly state in a revised amendment to the Constitution, “Thou shalt not do this.” Do we make that clear? And do we have an amendment process that says we want to be secure in our electronic lives? Because I'm going to tell you, the surveillance state is not going to go away. The surveillance state is only going to get worse. When we talk about putting cameras on cops. Is it a good idea or a bad idea? Putting cameras on cops.

Michael Coyle: Oww…complicated. It sounds delicious but it comes with a host of complications.

John Crosby: Exactly! It reduces, makes more civil interactions between police and the people they pull over. You can count the number of black people they pull over. You can count the number of Hispanics they pull over. You can enter… So cops, cameras on cops, so like a good idea. What happens when that cop responds to a domestic dispute and walks into a house? Is that unreasonable search and seizure? Are those people secure their houses? When a cop walks in with a camera? Understand where the surveillance state is taking us. It's not; it's not going to go away. It's going to get worse. They're going to mine more, and more of our data. So we need to determine where we want to go in the 21st century. And this is a discussion that we need to make. If we don't make this discussion -- have this discussion -- our overlords will make it for us. Simple as that. Do you want your metadata, whatever the hell that is, searched? We need to have that discussion. Do we fear or are we willing to take a risk with our society? Are we willing to take the risks that are laid out for us hopefully from an unbiased media? We don't know. You had a question in the back?

Audience member: [inaudible]

John Crosby: Well when they say, “probable cause,” is there a probable cause that you are committing a crime? Now well, okay, did the founders mean your e-mail? Or electronic communication? What the founders were explicitly talking about was effects, our papers, correspondence. How many people write mail anymore? Nobody. Is this, is this e-mail the equivalent of paper?

Audience member: Of course it is.

John Crosby: Is it?

Audience member: [inaudible]

John Crosby: So when you send an e-mail. Once again this is a conversation we need to have. When I sent an e-mail from my university account to some other person, that is private or is it public?

Audience member: That is private.

John Crosby: Come on, guys. If I send an e-mail from my Chico State account that is public information.

Michael Coyle: By University policy.

John Crosby: Yes!

Michael Coyle: By University policy it is not yours.

John Crosby: It's not mine. None of it is mine. So, and when you, and when you go to a carrier like Yahoo or Gmail or whatever, you don't own that, you don't own that. That's public information. You're over public waves, public carrier waves. The FCC controls all that stuff. So when we say who owns the airwaves we can say that well we own it but…
John Crosby: That should be open to people opening up their mail. Yeah I agree with you. What I'm saying though is that is the conversation, the kind of conversation we need to have. It is, is our e-mail secret or is our e-mail [inaudible]? Right now it is not. Right now they can open up any of our e-mail. Legally. Because that's, we are not...we have not had this discussion. This is relatively new. So when we talk about... Yeah, yes go ahead...

Audience member: Is Facebook even worse?

John Crosby: Oh God, Facebook. We are giving them information. We are literally giving our lives to whoever we want to see. So yeah that is even worse. That is an individual's decision that we make. I mean, the corporations are mining our data every day, every day of the week. The question is what we do? Should we get paid for that information? Because they're using it to make a profit off of us, off of our information, so shouldn't we get a cut from that corporation making a profit off of our data? Once again that is part of the conversation. Should we get something back from this? And should we be secure in our own lives? And what risks are we willing to take to accomplish those ends? And do understand we live in an interconnected world. It is going to get worse. I mean, you will probably pass a camera as you leave here. Heck, I imagine there are cameras on campus all over the place. What did they do with the data? I mean, I think that's the other question, what do they do with the data? The problem is right now they're not doing anything with the data for the most part, but there can come a time when the State can use that data against us. And I would argue - what you brought up with the German, that East German. The Stasi didn't have to have a reason. If they want you dead they just dragged you and shot you. If the State wants to kill you, the State will kill you. That is just the nature of the State.

How can we protect ourselves? Well once again, it's we the people. We place limitations on the State. We elect leaders that do their oversight function that are controlled by corporations, that are not controlled by the oligarchy and we create the oversight. We are not creating the oversight and so that's what's happening to us. But if the State wants us dead, the State will kill us. I mean that is just the nature of the State. They don't have a reason to kill you. They won't even need to collect on you. They think Jimmy over there is a subversive they can just pick him up and extradition him to Egypt and he's playing fellow boy way to some Egyptian intelligence officer. Because they can do that. Is that legal? Where is the oversight? That's the question: how do we establish oversight? How do we establish transparency? Transparency and oversight are the key. We have to be able to see everything. We have to reduce the number of secrets [inaudible].

Audience: Laughter.

John Crosby: Governmental secrets -- they should be eliminated. All government secrets. Wilson said in the 14 points eliminate, eliminate secrecy that surrounds our lives. Especially government lives. And transparency. Everyone should be able to look at all the data. That's the only way you're going to be secure. That's all I got.

Audience: Applause.

Michael Coyle: Good evening, everybody. It's great to be here. The Peace Institute is just a fantastic place and I'm a huge fan -- not just because I'm an ex-director of it, but because it brings fantastic events to our campus. I always look forward to it, and fantastic speakers. Obviously, Ray is one of our favorites because we just keep having him back and back and back again. How many events have you had here, Ray. It's your second? Oh, I thought it was...oh well, I'll be on You Tube tomorrow (inaudible). I thought it was three. Anyway, he's good enough to have 30. And of course my esteemed colleague John, who really love having in the department, and who I can always count on getting into a fantastic debate with him and all our colleges watching this tennis ball volleying back and forth between the two of us and whatever hot things happening. There's nothing like good debate.
I thought I would bring a little bit different perspective on this conversation about surveillance in our society. And I thought I’d try to bring a little history into it because – forget about those who don’t know about history if you’re condemned to repeat it; we’re just condemned to repeat history, period. But it’s important to keep it in mind. I wonder if you’ve ever stopped to think about when did this surveillance thing become a problem? 3,000 years ago? 1,000 years ago? 500 years ago? When did this actually become an issue? Scholars of surveillance in general like to begin the conversation of surveillance when labor relations really began to shift in the West, which we can put at about 1750 when not only – of course there are many shifts that are happening socially at that time, and I’ll touch upon a few of them.

But the big shift that’s happening is that work itself, human labor, is shifting from things that you did in your home to things that you start doing in private spaces. The factory, of course, is the huge change that happens – and the massive shifts that happen in economic policy in the distribution of power within communities that arise from that. Surveillance itself really is something that begins to gather; you actually trace how the first users of larger capital in the West very intentionally created the factory – much smaller in the beginning, of course, and much larger later on in history. Very intentionally created this setting and it had to do with, actually, the appropriation of materials. You think back to an earlier age of 250 years ago, when actually you actually did labor out of your own home, using thread to make textiles, unloading wood at the docks or unloading sacks of supplies at the docks came with an understanding – not a secret, but an understanding – that part of participating in a certain trade meant that you actually got to collect the wood chips from the docks, use them in your home or have a small crate at the corner of the street and sell some of those wood chips to people who needed them to heat their homes. Or that you got to keep the leftover threats.

And very intentionally part of the structure that was being put into place by creating these centers of work that eventually became very large-scale factories was actually to control – another word we could use is that it was to “surveil” the workforce. And what ends up emerging out of this essentially is that this is the beginning of the surveillance state. This is where police emerged from. Police are actually, at first, strictly private forces of people that are watching over workers, and develop slowly as these larger social shifts of workspaces begin to impact relationship, begins to impact community, the size of them, etc. Always, unfortunately, from the beginning of this period, access the excess resources, large amounts of resources, and hand out a few -- and their preoccupation with keeping control of them. And the growth of the forces that come along with that what – what do you have when you have this population you want to control? How do you control them? Well, you make laws. So there you are, you’re at your job and you know not to take the leftover thread, you know not to take the leftover chips at the woodcutting small factory now, because there will be a fine or there will be a job dismissal.

And then as things became more sophisticated and control of labor became even more complicated, and actually begin to react against the factory setting, you actually have much larger methods of control, and that brings us to the development of criminal law. And then we develop these massive structures that we have today of law, these massive structures of surveillance of people, and we have perhaps what was the first shift of surveillance from the factory, from the workplace really, where it first developed, to the public sphere where the state really starts to become involved with criminal law, now exiting from the private sphere and entering into the public sphere. And what comes with criminal law, of course, are these massive institutions of prisons, these massive institutions of untold thousands of people working to surveil and to increase the number of people being surveilled, increase the punishments, increase the consequences.

And you end up in a society that is not – as it develops – is not even anymore in terms of surveillance of the worker or surveillance of the streets, but really surveillance of all life. And if you think about it, what part of your life is not defined by surveillance. I don't think there is one. Take a look at education. Take a look at how the University works and how the high school works. It's all about surveillance. Child rearing has become about surveillance – the unchecked time of childhood is almost nonexistent. It's about control. The same thing with the students. That we have entered you know this, some scholars have argued, that we have entered this third era of surveillance now with this “war on terror.” That we’ve reached this (inaudible) sort of society, this idea that you develop surveillance in such a way where people are surveilling themselves. And we really have sort of reached the ultimate nightmare where
people don’t even think there’s anything wrong with it. “Hey, I’ve got nothing to hide. I don’t care if you’re watching me. I got nothing to hide. I think Ray addressed that perfectly. You’re just clueless as to how very, very close to getting royally fucked you are. All they need to do is develop an interest in you. No matter how harmless you think you are I can vouch for this from personal experience. As a committed, always nonviolent, activist I have been harassed and surveilled repeatedly by the state. Talk about a non-dangerous person.

But to what wrap it up, I would say that if you look at this transformation of surveillance -- you know, starting from the workplace moving into the streets, so to speak -- this development of this gargantuan system of surveillance... even more troubling, the development of surveillance into the culture of everything. It governs – if you look closely enough at your own thinking, it governs even your own thinking, how you think about any particular issue. You and I are very wrapped up in the problem of surveillance. There’s nothing really that’s separate from it. You live in surveillance. It’s not that surveillance is happening to us, we live in it. We think in it. We operate in it.

The questions to ask are perhaps questions of abolition. And the questions to ask are questions of how do we begin - what is - what how is it - that we need to begin to think or assume about people, about relationships, about spaces such that we can maybe exit a life that is entirely dominated. Now listening to popular discourse about surveillance is a colossal - mostly colossal - waste of time, because they’re sitting arguing minutia. You know, little points when the problem is how we live our entire lives.

The first step is, I think, to become conscious of the fact that that is how we’re living. I would encourage you to watch yourself. Watch everything. Watch your school, watch your work, watch your family, watch your parenting, watch your partnering, watch your school, watch your work, watch your family, watch your parenting, watch your partnering, yourself like a hawk (inaudible).

The second thing is that we got to this place -- we started, we continued, and we are here. Because, unfortunately, the human race is incredibly young. It’s like a one-year-old, a one-day-year-old, not even. Hopefully we will be around for another billion years, they say, if we don’t mess up the resources of our planet and we straighten up. Maybe it’s too late already, but if it’s not we’ve got another billion years. And you know, it’s just a few thousand years that people have been actively thinking about what they’re doing. But if you think about ourselves into the future what I would say is first of all, there is tremendous hope but we have to get behind what started it all. And what started it all is this idea that it’s okay to distribute power and resources the way we do (inaudible) and it’s pretty fricking greedy. You can have people who make a hundred million dollars annual salary and they think it’s not enough, and they want more, and they pay zero taxes. The 10 biggest corporations on the planet pay no taxes. What the hell is that about? And they’re ones that are behind the surveillance. This is how capitalism started it – capitalism is what continued it. The preservation of capital is the terror state. We don’t have time to discuss that, but that’s what it is. So we really have to think in terms of abolition. We really have to give up this reform game. It didn’t start yesterday. It started in a very particular way. We are so invested in these ideas and we just have to find new ones. And we’re very much at the beginning of the argument of abolition; we’re very much at the beginning. Think of ourselves the way early abolitionist of slavery thought, when the very first people began to talk about – that what we really need to abolish this. The response was disconnected from reality. Are you aware the economy of the nation, for example the U.S., depends on slavery and that if you shut it down tomorrow you wouldn’t have vegetables in the market next week, or any services? so abolitionists were not discouraged. They didn’t stop; they just kept talking: “Nope, this does not work. Nope, nope, nope.” We gotta wake up. Nope, nope, nope, nope, nope, nope.

Ray McGovern: First, I want to thank you, Bob, for bringing Michael and John here. I think this is a really fruitful discussion. It would be pretty monotone and pretty if it were just you or me, or even both of us. The next thing I want to say is that James Madison, who crafted our Constitution together with George Mason... Now I'm a displaced New Yorker. I grew up in the Bronx. But I've lived in Virginia 51 years now and four of my five children were born Virginia, so they tell me that I'm a Virginian now okay? And you know what? It's not all that bad.

When we look at James Madison, we look at George Mason, we look at Patrick Henry, Jefferson – God, when they said that they would risk their lives, their fortunes, and their sacred honor for this enterprise, it
was just as likely that they would end up hanging at the end of a rope. It was much more likely than not. I mean these British were pretty powerful, and they did it anyway. That's part of what drives me. We need to honor that commitment, we have to honor the painstaking way that they put these laws together and especially this one, the Constitution. A little thing you might not know is that even though George Mason - who grew up and lived about 2 miles from where I live now in Arlington, Virginia -- even though he crafted half the Constitution (you probably know this) when the draft was ready and they were ready to present it for a vote, Mason went to Madison and said, “Jim, I hate to tell you this, but I can't sign this thing.” Madison said, “What? You drafted most of it? Mason said, “Look, it doesn't have a Bill of Rights. It’s a deficient document without the Bill of Rights and I can't sign it. So they made a deal. Madison said, “Look George, for God’s sake, if you say that in public, it’s dead. So if you keep your mouth shut I guarantee you that we will send horsemen up and down the Eastern Seaboard and will get those 10, that first Bill of Rights ratified. Now in those days, gentleman kept their promises. Madison kept his mouth shut, Madison and others sent the horsemen, and they got it ratified in a couple of years -- so we have the Bill of Rights. That’s how strongly these guys felt about those first 10 amendments.

Now, I'm a conservative, very conservative when it comes to this document. It was put together in a very meticulous way. It's not perfect. But you know they did things, like they figured out that since all the powers that this thing invests in a president, and since presidents a human beings, they would certainly start to violate this Constitution at least one soon once a generation. And that's why they put in the impeachment clause. They wanted to have an orderly process to take care of those times when presidents overstep the bounds, OK? Now, what I want to say here is that the Fourth Amendment pretty much speaks for itself. I'm not going -- as was pointed out before -- it's not just about the unreasonable search and seizure, it's also about unreasonable search and seizure and no warrants shall issue except upon probable cause. If that wasn't a problem for guys like Hayden and Clapper, why would they lie about it, you know? Why would they lie about it? Why would they keep it secret? and some of this illegally acquired information – illegal under the Constitution -- is used in what they call parallel construction. You know what that means? They use this collection to get the goods on, let's say, on drug traffickers, OK? And then they can't use it because is not legally acquired, and so they tip off the local police and they say, “You know if you go to Beach and Andrews Street a eight o'clock, you can probably get a drug bust.” And they do. The police love this, so they parallel construct. What they do is they say, “Oh, we got this tip.” They don't say where the tip is from because it was illegally acquired. We get this tip and all these guys end up in jail. Maybe they deserve to be in jail, but their rights have been violated. They'd never be in jail if this information wasn't illegally acquired. So that's why do they lie about it, why they do it in secret.

The first big doubt I had about Obama was when he was running for election the first time in 2008. In late June he made it known that this act, this piece of legislation, which would hold the corporations harmless for violating the Fourth Amendment -- see, they had been doing it without any legal authority at all because Cheney and Hayden -- think about that room on Folsom Street in San Francisco. Have you read about that? The back door, the back door there into ATT and Verizon. They've got it all. OK? And some of that started even before 9/1. So when Obama said, “You know, I said before that I was going to vote against holding the corporations harmless, now I think I think I'm going to vote to hold corporations harmless. And that gave me a real clue as to what Obama stands for and how he will bend with the prevailing tide. Google, Yahoo, Microsoft. I mean it comes down to then making really big bucks here, OK? And when the government ordered them to violate the Fourth Amendment, even more big bucks. And when Microsoft advertised heavily that they had an encryption system which was inviolate and advertised it to all their folks. And then if they came and said, you know, “Can you show us the way to defeat this inscription system?” Microsoft said, “Well it's going to cost another $300,000.” And so they did. And they created their own inscription system, and then for more money they gave NSA a thing around it.

Let me end here by simply saying how in the hell can NSA and our intelligence collection on domestic things, how can they get away with it? How can they get away with it? Well, partly they do in secret, of course, until it's divulged and they lie about it. But the important thing to note here is that there can be illegal laws. That sounds like an oxymoron doesn't it? Illegal laws. This is the law of the land, OK? There can be laws that violate this Constitution and there have been. The Patriot Act was just the first; the FISA act that also violates this. Now what the problem is, is that it always take several years for the judiciary to catch up with what the executive is doing. Meanwhile they do it to a fare-the-well.
We’re in that interim period now. And I just hope that the judiciary will finally step up to the plate and rule what is clearly unconstitutional, unconstitutional. Now the last thing I’ll say is that we have what President Eisenhower said in his farewell address. The military-industrial -- he wanted to say congressional complex as well. And they persuaded him, don't say congressional. But already it was Congress appropriating the funds and defense industries make a lot of money. And making the arms and giving it to Congressman --- it was a really nice little cyclical thing. Now that's bad enough, but now we have the military-industrial congressional-media-security-services complex. Now what that means, folks, is that everybody's complicit. We have the executive. I mentioned the legislative would oversight... We still call them oversight committees and now they are what we call "overlook committees." You know? Overlook committees because nobody seems to be doing something against, you know, against preventing terrorism. So what we have is a complex here which is not very different from the way, from the way fascism was described by the first Italian fellow whose name I forget.

Dr. Robert Bowman: [inaudible]

Ray McGovern: No the guy, you know, who I'm talking about...

Dr. Michael Coyle: Mussolini

Ray McGovern: Yeah, Mussolini. [Laughter] Sometimes when you get really old you forget prominent -- Mussolini. Now people say to me, "Don't say fascism McGovern, because everybody will think of concentration camps." Well, I'm sorry if that's the case but fascism is quite above and apart from concentration camps.

When you have the government, corporations, the military, the media, and the, and the intelligence services all wound around together, you have the beginnings of a real serious situation. So I hope the situation will balance. We had J. Edgar Hoover doing all these things. We passed some laws. We had some courageous Senators and Representative who got the laws into place. They were reserved. Then after 40 years everybody yawns and says, terror, terror, terror. Now if we want to change this Constitution, there are orderly ways to amend the Fourth Amendment. Until then we've got to go with it, and that is my opinion.

Audience: [applause]

Dr. Robert Bowman: At this point we're going to shift gears and open this up for these three gentlemen to engage in a conversation about these issues and whatever else they would like to talk about relating to this topic. And then, as the evening progresses, we would like some of you who have questions to address and to anyone on the panel including Ray. And we should have a really lively hour or so. Let's go for it.

Dr. Michael Coyle: [inaudible] I'll chime in on the constitutional conversation. And ask you my [inaudible] question. When I look at law, I'm not much of a fan of law. I mean I recognize it has done some great things, civil rights, you know, women's rights. Internationally, we could look at certain things also, but mostly, really, when I look at law, I see one of the largest disaster areas of human history. I look at how incredibly open to abuse it is. How it is abused every single day from the smallest ways which everybody in this room knows that if you have enough money you buy justice. To Supreme Court justices saying to arrogant lawyers who thought they came to the Supreme Court to argue about justice: "THIS NOT A COURT OF JUSTICE, YOUNG MAN, THIS IS A COURT OF LAW!!" That is a quote from the head of the Supreme Court.

So I have no faith in the law whatsoever. It is a bad, bad, bad joke, in my view. And I know that's an incredibly outrageous statement to say, especially in this country, where the Constitution is held up as this fantastic document. I certainly have respect for it, as far as my respect for law allows me to go.
You know, French lawmakers well, you know, earlier points in history are important and all that but the question I want to ask is: we have seen and we daily witness how, I mean, the Constitution was literally shredded overnight and where we stand today is literally a joke. It has been totally shredded. Torture is legal. At this moment anybody in the government can walk in to my house, look at everything in my home and leave and not tell me. For all I know it's already happened here. So I mean what is the meaning? This is a question. What is the meaning of a document called the Constitution, of a document called the Bill of Rights? When it's a fact that it is -- that the State abuses it to no end. This is just the latest abuse. It's not the first one. And also it so fundamentally exists for the use of the powerful, for the use of capital. And for the use of those who have access to the resources of our society, the very few who have most of it. How is this? How is this? What is this? What do you have to say about it?

John Crosby: I see law as a ...liberalism, and I see liberty and I see these ideas as a process. I look at them in the sense of what came before. So what comes before law? Well we lived in these agrarian communes and shared our roots together. You get a carrot. And you get a turnip. And we all eat our carrots and our turnips. And we drink our local homebrew and we get drunk and we fall asleep. And we wake up and we do the same thing over and over again. Those are agrarian, peasant societies that go nowhere and do nothing.

Now if you want to live in the fifth century and eat locally grown roots, and garlic and crap like that, knock yourself out. I like air-conditioning. I like driving around. I like wearing nice clothes. I like eating nice food. Compared to where we were as a human race where 90% of us, where 80%, were agrarian farmers. "OH THERE'S SOME LOVELY KALE OVER HERE DENNIS." That's how most people lived in the world. They died young, what 30, 35, 36? I'd be dead. I'm 10 years dead 500 years ago. That's the way the world is. Now we create a system, a society, yeah it's imperfect, it is fucked-up. Rich people [inaudible] shit. It is better than it was. We keep working at it, we keep swimming, we keep striving to make it better, and I do believe in progress. Because what, 100 years ago, the Supreme Court said the wife violated her husband's property rights by having an affair. And this is the Supreme Court. The wife violated the husband's property rights by having an affair. That's in the United States. Now you think back and you look back on the face of it and you think that is utter garbage because we have advanced.

You know, 200 years ago, well heck I can go to Afghanistan and drag my daughter along, she's 17, I could sell her. Because she's property. Can I sell my daughter now, here? No! That's insane. That's to me, progress. Human rights, liberty -- and you get there by establishing laws. Now are our laws perfect? No. Are our systems captured by corporations? Yes. Is it a problem? Yes. But we continue to strive. We don't destroy the system. We don't because Frodo Marx and live in this agrarian commune. "Oh there's some lovely kale, over here Dennis". Cause we won't have penicillin, we won't have these things. Because I do believe we have to have property rights. If we don't have property rights, because then the whole thing goes to hell. Why should I work unless I'm getting some sort of reward for it? Because we aren't angels. I don't do this because I love you. Well, I do love you. I don't do this...

Audience: [laughter]

John Crosby: I don't come to work, I don't come to work because I want to love my fellow man. I come to work because they pay me. You know, I like my job but they pay me. If they didn't pay me, I'd be up a freakin’ -- where I live in my trailer, drinking swill, drinking beer. You know, shooting raccoons and having a grand old time. But they pay me. So I can buy nice stuff. I can have an attractive woman to be my wife. Because I want sex at some time in my life. Yes.

Audience: [laughter]

Dr. Michael Coyle: Okay.

Audience: Drink that swill. You got some moonshine?

Ray McGovern: Anybody got some swill?
Next year, 2015, we will be celebrating the 800th anniversary of what?

Audience member: The Magna Carta?

Ray McGovern: Right. What happened on Runnymead? The gutsy English, what, nobleman said to John, to King John, “Look you know -- no more of this crap. We have certain inalienable rights. One of them is habeas corpus. If you wrap us up you have to give an account of where we are. You can't hold us without some sort of writ, okay?” Now when we mark that anniversary next year will we be having an inquest or a funeral? Or are we going to say, “Gee, that was really gutsy for those Englishmen to do that but, you know, that was 800 hundred years ago. Now we've evolved, you know, we can do this kind of stuff without those kind of laws.” You know, at the rate things are going, [chuckles] I could conceive of people getting on Fox TV and saying precisely that. That was then, now is now. Now that's 800 years of history where there were abuses in the interim, of course.

Were there abuses as a result of our Constitution? Well the Dread Scott decision and other things like that, of course. We evolve and we progress. But I have to tell you that I'm incredibly fond not only of the Constitution but of the law. And maybe it is hereditary because my father was a lawyer and one of my daughters is a lawyer and two of my brothers are lawyers. And they are devoted to the law in the purest sense of securing people's rights. Particularly those who are less privileged than most of us who have this kind of skin.

So, when I talk about the Constitution I'm thinking not only about the Fourth Amendment, I'm thinking about the Fifth Amendment which says, no one shall be deprived of life, liberty or property without due process. Now we've got a president that says he can deprive us of life without due process. And he's done so to three Americans. A direct violation of the Fifth Amendment. Now how did he explain that? Well the Constitution does not say judicial process, it only says due process. And we do the due process and we do do the due, due dodo do due right here the White House, thank you very much. What an outrage. What an outrage that a lawyer, the Attorney General of the United States can go before a very established law school in Northwest University of Chicago and say, “It doesn't say judicial process. So we can just do it, do it.” The President can just get a list on Tuesday mornings, which he does, he gets it from the counterterrorist people and there are about 15 people on here and Obama says, “Well let's do seven of them this week, well wait a second. John Brennan you tell me number five has three small kids.” “Well yes Mr. President, he's been seen having lunch with a suspected militant. So he is on the list.” “Well John, look, let's drop him off the list for this week and let's revisit next week. We'll move seven up and we'll do the first six and now I have to go lunch with, with Michelle.” Hello? It happens in the White House. We know that happens in the White House. And that is the Fifth Amendment. You shall not be deprived of life without due process.

So last thing, another thing, reason why the Constitution is incredibly important and it's right, right front and center now. Who has the right to send our forces into battle? Who has that right? What part of our government under the Constitution?

Audience member: Congress.

Ray McGovern: Whoa, Congress does. What article is that? The very first, okay? There are three branches of government, but Congress comes first because it's the closest to the people. And that's why in their wisdom, they knew that presidents, like kings, are just happy to march people off to war without the, you know, so much as a fair-the-well. Or, you know. And so, now the president last year at this time was about to make war on Syria. And he stopped real short of that only by 20 hours. Israeli defenses were up. The French fighter-bombers on the tarmac. Our missile -- our missile ships were in the Eastern Mediterranean and he said “No, I'm not to do that. I'm a constitutional lawyer. I'm going to Congress for authorization.” Wow, what a, what an incredible success that was for those of us care about the Constitution.
What did he say this time? What's he saying? He doesn't have to do it anymore. He's not going to do it this time. He's going to get those terrorists. He's going to cause more and more terrorists. You know, it's really kind of a growth industry. The more terrorists you kill, the more brothers and cousins and everybody. So if the idea is to have terrorists and have the military-industrial complex build more weapons to kill more terrorists, then you get an endless supply of terrorists. If you don't drain the swamp of the grievances that bred these terrorists and that's, you know, part of the reason why this [inaudible] less policy is in place. So, you know, all the Constitution articles are important. If we had nothing to point to for redress of grievances, if our friends get wrapped up and put in some dungeon and some prison and we have no way to say, “Hey, habeas corpus, habeas corpus.” Even the terrible terrorists accused of 9/11, even they have been subject to the writ of habeas corpus and have been gotten out of some of the dungeons where they were.

John Crosby: Did you have a question earlier?

Audience: [inaudible]

John Crosby: Sometimes I just like to hear the sound of my own voice.

Dr. Michael Coyle: [inaudible] Both of you sort of spoke to, yeah, Obama. Oh yeah let's go to Congress for one more then the next one. Who needs them, right? Or this idea that somehow law is, you know, to your comment John, law is what gives us everything that is great. Or at least the things you find great. You know, I'm not quite sure that law, that I would agree with the assessment that law is the one that does that.

And to clarify what I'm saying a bit more; by making that very provocative statement is not to say that I'd like to see the Constitution not followed tomorrow. What I'm saying, that you know, it doesn't have its uses and a good thing.

I'm just saying that given how law -- and I include the Constitution in that -- given how law is so constant continuously and constantly corrupted to the nth degree as power and capital pleases. That we need... the issue is not that we need to shred, you know, throw away the Constitution and stop having people like Ray come in here and say, "Oh my God, look at what we're doing to the Constitution". No, we need that. We need a lot of that. We need more of that than what we're having. That's not my point. My point is if that is the only direction that we're looking at, we are missing the entire point. The point that we're missing is that this not enough. This is not ... this almost -- it's a great thing but it is a distraction. It's leading us away from looking at what are the problems that are going on. I mean, how much has law helped African-Americans in this country? You can't even walk while being black. Forget about driving. You can't even walk.

I read yesterday about the wonderful news about women's rights. From 77 cents to a man's dollar for the exact same job, it's gone up to 78 cents. Whoop tee do!!!

It's not to say that it's not a great thing -- but it's a great thing. Every penny matters. My point is ...and the Constitution matters.

John Crosby: But they're not property. I mean, you, -- Yeah, blacks United States still get a raw deal but they're not being whipped and sexually assaulted by their masters.

Dr. Michael Coyle: Yes they are, every single day by the hundreds of thousands in the US prisons. That's exactly what's happening to them. And by the police in every single corner. What -- Ferguson's some unusual event that happened? Ferguson is like normality. It is blasé. If you're paying any attention, Ferguson is boring.

John Crosby: From the sheer percentage numbers if you look at it as a chart the gross number of blacks from their rights perspective from 1770 or 1780 is much lower. Now I'm not saying it still happens, and I'll concur easily with you that it still happens. What a large doing is that because of this systematic
expansion of rights, supported by the law, you have a much better situation than you had previously. Women have at least the opportunity to go out and make a living now, whereas 50 years ago, they were systematically denied most occupations. This is…

**Dr. Michael Coyle:** This is why I don't argue with you John. I agree with you. I'm not here to argue with you that law -- I started by saying law does make it better. I'm not here to say to you that, that we don't need it. I'm just saying that to look, you know, to have a conversation about law and about the Constitution without saying it, is inherently immensely problematic. And the conversation is the bigger. That is a conversation that you get to have from a position of privilege. Being a white, male I feel that very heavily when I look around my society and see what's happening. We're not disagreeing about facts.

**Audience member:** Yes, I have a question [inaudible]. What three things do you think our society should [inaudible] should focus on. You know, as maybe a star, trying to make our society better. [Inaudible]

**John Crosby:** I think transparency. I think we need to open our government. We need to open up everything. Once again, sunshine laws that were passed -- that's a step, a very small step in the right direction. We need to have a much clearer, much harder way of making classified. I mean, there should only be a very, very, very small amount of things that should be classified at the national level. And I would argue that virtually nothing should be classified at the national level. I believe in, like, wiki leaks. We need to open up our society from an informational standpoint so everybody can see all the documents that our government produces; that the people that control society, our congressmen, everything they produce. I think we should be able to look at congressional e-mails. I think all of us should be able to do that. They are our elected officials. So I think transparency is the key to opening up the society. We can do it. We just have to force our elected officials to be open. We need to force the government to be open. And I think Wilson is kind of, sort of right, when he said, "How do we prevent wars? We have to have open conversations." Openly agreed upon. And if you eliminate secrets, and you eliminate these underlying secret conversations, I think a lot of, a lot of privilege, and a lot of these underhanded dealings, these fat cats making these deals, goes away. Because then we see that it becomes clear to us. It is much clear to us if we, you know, what you were doing with these YouTubes, I mean that's just, as you probably know, the very tip of the iceberg. It's not 20/80. You're talking about .001% and the rest of the iceberg is way down there. We poll that shit up and make it transparent and we have a field day with it. And we talk about it. To me that's how we solve -- not solve but how we advance this issue.

**Dr. Michael Coyle:** I would say, I jotted down three ideas here. First thing I would say here is that we need to … and that's a really big intellectual in mind revolution that's starting and that we need to push for ourselves and for everybody else. And that's to start connecting the dots. There are a lot of disparate conversations that are happening in our social life today that we are just beginning to bring together. You know, what's up with immigration? It's the number one problem in every country on the planet right now. What's up with immigration? Like what's that about?

How did we come, how we come to this place in our lives? Like what we do and how we distribute resources on a planetary distribution scale? How did we get there?-It what's up with…

**John Crosby:** Jerry Diamond

**Dr. Michael Coyle:** What's up, you know, what's up with surveillance? What's up with this massive incarceration binge the planet is going through? By the way, the numbers came out today. The numbers are growing again. It stopped for two years now there back to growing again. Planetary mass incarceration and surveillance. How does that connect? What's up with the wealth gap that is constantly growing between the haves and have-nots. It hasn't stopped.

What's up with white supremacy? Hello! Still here. Stronger, stronger, and doing more than ever before.

**John Crosby:** Go team.
Dr. Michael Coyle: What, slavery? There are more slaves today than ever before. So the first point is to start -- is connecting all these dots together and start seeing what's happening here. What...know who is benefiting and who is losing with these.

Second, taking the long view about things. About all these issues. And by the long view, I mean what I was saying earlier before about how to think about ourselves as very, very young. We are so young, we are so naïve. We're like a day-year-old, we know nothing. And if you take the long view and you think what would thousands and thousands and hundred thousand years of collective human reflects, towards taking care, like an ethics of care, taking care of each other. What kinds of policies... How would we think about economic policies? About, about, about distribution?

And lastly, all of these require incredible courage. You know, it really hard to be honest about your advantages. Really hard to, you know, there you're making a nice salary, and suddenly you got a salary bump and all of a sudden it's like, wow. Is that conscionable to make that much money? Really, I mean is that conscionable? What's the conscionable amount of money to make? When you think one out of 10 children in California goes to bed hungry every night.

Ray McGovern: One in every four children in the District of Columbia who are really close to Arlington, Virginia. One out of every four children, and that counts the white children, in the exclusive areas. P

It really strikes a responsive chord here to what's been said. I belong to a group of ex-offenders who are reading Michelle Alexander's book, “The New Jim Crow”. I recommend that everyone. It points out real basic social problems in our country. We meet every every second week and we try to figure out how we can help the 50 people that come out of the DC jails every day, from various parts of the country. And they are given a bus token so they can go back to their old neighborhood.

Dr. Michael Coyle: That is 600,000 a year a year.

Ray McGovern: So I am, so that's, why is that? Well, if you think of how we did spend our money as a nation, where 50% of our discretionary income, our income tax, so forth, goes to war. And who's making the money out of that those, those expenditures? Then you know we outta face up to the fact that the 1% the profits of all of this, they shouldn't escape unscathed here. I was speaking at Columbia University and somebody said, “Hey we found out who is making the reaper drones. And he lives in Morristown, New Jersey. And he is the CEO, and isn't that interesting?” And everybody kind of... Then I got up and I said you know, if this happened 40 years ago there would be somebody standing up and saying, “All right I've got a bus going to Morristown, New Jersey tomorrow morning at eight o'clock and were going to picket the CEO of the reaper at Westinghouse” sort of thing. And that doesn't happen anymore. So this is the kind of grassroots action we need to do.

The next thing I think is to be a nation of real justice. Now, I teach a course. It is called, “Biblical Justice: Is it an Un-American activity?” And it is, okay? [inaudible] American concept of justice right? What is it? Blindfolded what? Lady, right? And why she blindfolded? Yea, so she can't show partiality to one scale or the other. The biblical notion of justice is biased and prejudiced to the core in favor of the hated poor. The anawhem [phonetic spelling], in biblical terms. The people can't pull themselves up by the bootstraps because they ain't got no boots on. Okay, now if we take part of that 50% of discretionary income and make that available with constructive, well monitored social programs, we can start to atone for the original sin of our country and that is racism -- and it's very much alive and well. For that we need moral leadership. Where is the moral leadership? You used to be able to look to the churches, the institutional church and of course they're speaking out loud and clear about things like torture other things aren't they? Right. They can't find their voice. just like the Catholic and Lutheran churches in Germany during the Third Reich. They couldn't find their voice and that was a scandal.

Last thing I'll say is that there is hope here. And the hope is in the fifth estate. So you've heard me say the fourth estate, the media, newspapers -- it is dead. The fifth estate is in the ether. I don't know what the ether looks like but it comes down to my computer, okay? You can find out what's going on. If you don't know what's going on you really can't help. But it is easy as pie to find out what is going on if you
know just a couple of websites. I won't take any more time but if you are interested in such websites, come up and see me afterwards.

**Audience member:** [inaudible]

**Ray McGovern:** Well was that directed at me? Well it's really simple. Well, this [inaudible] collection has not yielded one [inaudible] of a terrorist attack. and so it's not hard to argue that there must be some of the purpose of this [inaudible] collection. Or it's just a pure waste of money. And so you make a point to your friends -- and you resist. You gather -- what I suggest is you gather together in a small group. I think Margaret Meade was right; she said the only thing that changes things in the world is a small group of committed people. So you find three or four friends, you get together with them every week at a certain time. And you think about what you could do as a small microcosm of society. You'll be amazed at what synergy comes. What ideas jump out of there that never would've occurred to you individually. Then when you decide what to do, whether individually or as a body, you have accountability. You say, "I'm going to see Senator so-and-so next Wednesday." You know that the following week your friend are going to say, "Hey Ray, how'd that go with Senator so-and-so."

You are much more likely to follow through if you have that sort of sense of accountability and most important you have -- what do you call it -- solidarity. You have mutual support and that's worth $1 million in this kind of atmosphere that we exist in today. So, small groups. Make sure there's at least one woman in these groups because women have all the guts in this country. I've learned over the last 12 years. And just figure out. It's going to take a couple months to know each other well enough and then you'll be surprised at what fertile ideas arise and how you can maybe do something good in your own...

**Audience member:** [inaudible]

**Ray McGovern:** Oh, the investigative communities. Well here's an example. Dianne Feinstein -- I think comes from around here, right? She is the head of the Intelligence Committee. She is thoroughly complicit with all the stuff we've been talking about. Because she was informed and she approved it or she looked the other way and said "sure, go ahead." Both NSA stuff and torture. Now just go back for a second. Her committee worked five years on the investigation of how the CIA did the torture. Who did it, when they did it and all that kind of stuff. And they finished that study a year ago, okay? Now why don't we know about it? Why don't we have an unclassified version of it? Because Diane Feinstein is playing games with us. That's what is? She blames it on John Brennan, the head of the CIA, and everybody says, well Obama might be able to do it, too. But be able to do it too.

But Dianne Feinstein has the power to release that document now! There was a law that was put in by the Church Committee which said if there is a dispute between whether to release classified information after it's been redacted, okay, then that's resolved by the Senate. By the Senate voting as a committee of the all senators, she could bring it to a vote tomorrow and that report would be out. Redirected to prevent, you know, some bad disclosures. But so it's a little [French phrase] or maybe a three-way dance between Diane Feinstein, John Brennan, head of the CIA, who used to be dance partners, she was top on his dance card and then it's Obama. Obama is saying, "Well can't do anything," and Brennan says, "You gotta take that out" -- and Diane Feinstein, what's her position? "Well I can't release this now because it doesn't say anything," because it's so heavily redacted. What is she waiting for? She is waiting for the election. Most people think the Republicans are going to take the Senate and then she'll be able to escape without getting it pinned on her. The blame that she so richly deserves. The whole system is corrupt. What you need to do is go into Feinstein's office and say that, "McGovern says that you can release that report if you put it to a vote in the Senate. Is that true?" And then if she says it's not true, then you say, well it happened. It happened when the Republicans were criticizing Jimmy Carter, for the Panama Canal negotiations, where we turned the canal over to the Panamanians. The Republicans released documents that President Jimmy Carter said you can't release those things. They cited the law and they released documents. So there is even precedent for Diane Feinstein acting according to her constitutional duties.
Dr. Robert Bowman: [inaudible] ...several minutes ago. Did you have a question?

Audience member: I was just wondering, it's really two questions [inaudible] he talked about that immigration thing. I'm thinking a lot of these people are environmental refugees. That's why people are moving around so much. Which leads me to another question. So why is all of this, this spying on us going on? Is it because the corporations are really now running our government, paying all of our politicians off, and if so why [inaudible] is it because of global climate change and our dwindling natural resources. So we have all of these countries whose resources are being exploited for their natural resources and [inaudible] murdered to get their resources [inaudible] drive their big cars and have their air conditioning. You say you like air conditioning and your big car.

John Crosby: I don't have a big car.

Audience member continues: There are a lot of us who like to ride bikes and having trees around our house so these people don't have to be murdered for their natural resources. So can you comment on that?

John Crosby: I will argue that the reason we are in Iraq or why we do these things in the Middle East is because we do want oil. We want access to oil. Now we as individuals -- I may ride my bike or I don't have the big car or I won't turn on the air conditioning. You can ask my wife how many times I have turned on the air conditioning this summer. That's not, I'm not the average American. Most Americans, the vast majority of Americans, are driven by fear. I think that's why we fear the "other" and we want -- and we want access to those resources. Now you can say we need to deny ourselves and I'm just saying we will deny ourselves. You will ride your bike.

Audience member interrupts: [inaudible]

John Crosby: I don't have an SUV either. Regardless, I'm saying the average American does. The average American does like that stuff. So what you want to do is change human nature. Marxism's been trying to change human nature since 1848. You can't change human nature, so you have to work with what you have. How do you make vice a virtue and virtue a vice? You have to change consciousness. You have to say we should be riding our bikes, we invest in public transportation, we shouldn't tread heavily on the earth, we should treat indigenous people in the Third World -- the developing world -- like ourselves. We should be honest to our Constitution, we should be honest to the Declaration of Independence -- it says all men are created equal and that all men are endowed by their Creator with certain inalienable rights. Among these are life, liberty and the pursuit of happiness. These are liberal values, and we need to be true to those liberal values and advance those liberal values throughout the world. And if we are true to ourselves and our values then we won't exploit the people. That part of it is from an educational standpoint.

We need to not fear “the other” and that “the other” is going to kill us. We have a better chance of being killed by a meteorite than we do by being killed by terrorists. This whole fear, fear, fear crap that Ray brought up is absolutely correct. We reflexively respond to BS because it sells. It sells product, it sells BMWs, it sells this lifestyle. Now what we need to do is not fear that -- we need to embody the ideas that are in the Declaration of Independence. All men are created equal. All men. Am I any different than a Nicaraguan? No. And women. All people. Or Nigerian, no?

When we look at...once again going back to the idea of progress, when the founders, the great founders, looked at the great unwashed, who gets the right to vote, who runs the society? Well, white male property owners over the age of 21 get to elect, woo hoo, one-third of one-half of the people of the government. The great Constitution -- we've got the House of Representatives elected by white male property owners. The President isn't elected. The Supreme Court isn't elected. The Senate is chosen by the states, the state legislatures. The people don't have a voice at all. Except for one-half of one-third. We've progressed -- now the Senate is elected, the House is elected. We still can't vote for a President. We still don't vote for the Supreme Court. Once again we are in progress. We do that by education. We do that by saying we shouldn't be these fat, gluttonous [inaudible]. I think we're getting there. We are moving in that
direction. We no longer see Nigerians as others. We no longer see the Nubians as others. We see them as human beings. We are in this shared, we’re in this shared space. And I believe the Internet, God help us, your fifth media, I mean fifth estate, is linking us together in a global level. And I think once we get that global consciousness in the sense that I do think that everybody believes that Nigerians are equal people to us. And Nubians and were all in this messed up blue little dot together. Once we get that idea and we start treating ourselves with respect and dignity, we'll get there. It’s just a process. It takes a long time. It will take generations. I'll be dead. Heck, everyone in this room will be dead. Michael we’re saying, "look to the future". If you'll be right in 100,000 years. We will all be way dead before then, thank God, because I’m not a Marxist.

Audience: [laughter]

Michael Coyle: You just said you wanted to shift consciousness.

John Crosby: Yeah, when I'm not there! I don't want to eat turnips and grubs. I want f*****n' top sirloin.

Dr. Robert Bowman: Alright I have to tell you that it's 9:14. So we started late, so I don't apologize, but if any of you need to leave we promised you a two-hour event and I have a feeling these gentlemen would be willing to entertain a few more questions for those who wish to stay. But I, we are not holding you here against your will and you will be photographed as you leave.

Audience: [laughter]

October 2014