

# IN ATTEMPTED HIT PIECE, NYT MAKES PUTIN HERO OF DEFEATING TPP

In an remarkable hit piece NYT spent over 5,000 words yesterday trying to prove that all of WikiLeaks' leaks are motivated from a desire to benefit Russia.

That of course took some doing. It required ignoring the evidence of the other potential source of motivation for Julian Assange – such as that Hillary participated in an aggressive, and potentially illegal, prosecution of Assange for being a publisher and Chelsea Manning for being his source – even as it repeatedly presented evidence that that was Assange's motivation.

Putin, who clashed repeatedly with Mrs. Clinton when she was secretary of state,

[snip]

In late November 2010, United States officials announced an investigation of WikiLeaks; Mrs. Clinton, whose State Department was scrambled by what became known as "Cablegate," vowed to take "aggressive" steps to hold those responsible to account.

[snip]

Another person who collaborated with WikiLeaks in the past added: "He views everything through the prism of how he's treated. America and Hillary Clinton have caused him trouble, and Russia never has."

It also required dismissing some of the most interesting counterexamples to the NYT's thesis.

Sunshine Press, the group's public relations voice, pointed out that in 2012 WikiLeaks also published an archive it called the Syria files – more than two million emails from and about the government of President Bashar al-Assad, whom Russia is supporting in Syria's civil war.

Yet at the time of the release, Mr. Assange's associate, Ms. Harrison, characterized the material as "embarrassing to Syria, but it is also embarrassing to Syria's opponents." Since then, Mr. Assange has accused the United States of deliberately destabilizing Syria, but has not publicly criticized human rights abuses by Mr. Assad and Russian forces fighting there.

As I have noted, there is a significant likelihood that the Syria files came via Sabu and Anonymous from the FBI – that is, that it was actually an American spy operation. Even aside from how important a counterexample the Syrian files are (because they went directly contrary to Putin's interests in protecting Assad, no matter how bad they made Assad's western trade partners look), the provenance of these files and Assange's current understanding of them deserve some attention if NYT is going to spend 5,000 words on this story.

But the most remarkable stunt in this 5,000 screed is taking Wikileaks' efforts to show policies a great many people believe are counterproductive – most importantly, passing trade deals that benefit corporations while hurting real people, but also weakening other strong hands in climate change negotiations – and insinuating they might be a Putinesque plot. This bit requires editorial notes in line:

From November 2013 to May 2016, WikiLeaks published documents describing internal deliberations on two trade

pacts: the Trans-Pacific Partnership, which would liberalize trade [ed: no, it would protect IP, the opposite of liberalizing trade] between the United States, Japan and 10 other Pacific Rim countries, and the Trade in Services Agreement, an accord between the United States, 21 other countries and the European Union.

Russia, which was excluded, has been the most vocal opponent of the pacts [*this is presented with no evidence, nor even a standard of evidence. I and all of America's TPP opponents as well as TPP opponents from around the world must redouble our very loud effort*], with Mr. Putin portraying them as an effort to give the United States an unfair leg up in the global economy.

The drafts released by WikiLeaks stirred controversy among environmentalists, advocates of internet freedom and privacy, labor leaders and corporate governance watchdogs, among others. They also stoked populist resentment against free trade that has become an important factor in American and European politics. [*Here, rather than admitting that this broad opposition to these trade deals shows that Putin is not the most vocal opponent of these pacts – contrary to their foundational assumption in this section – they instead portray a wide spectrum of well-considered activism as unthinking response to Putinesque manipulation. And note, here, a news outlet is complaining that ordinary citizens get access to critically important news, without even blushing? Also note the NYT makes no mention of the members of Congress who were also begging for this information, which makes it easier to ignore the profoundly anti-democratic nature of these trade*

*agreements.]*

The material was released at critical moments, with the apparent aim of thwarting negotiations, American trade officials said. *[In a piece obscuring the unpopular and anti-democratic nature of these trade deals, the NYT gives these sources anonymity.]*

WikiLeaks highlighted the domestic and international discord on its Twitter accounts.

American negotiators assumed that the leaks had come from a party at the table seeking leverage. *[That anonymity again: NYT is protecting some bitter trade negotiators who've invented a paranoid conspiracy here. On what grounds?]*

Then in July 2015, on the day American and Japanese negotiators were working out the final details of the Trans-Pacific Partnership, came what WikiLeaks dubbed its "Target Tokyo" release.

Relying on top-secret N.S.A. documents, the release highlighted 35 American espionage targets in Japan, including cabinet members and trade negotiators, as well as companies like Mitsubishi. The trade accord was finally agreed on – though it has not been ratified by the United States Senate – but the document release threw a wrench into the talks.

"The lesson for Japan is this: Do not expect a global surveillance superpower to act with honor or respect," Mr. Assange said in a news release at the time. "There is only one rule: There are no rules." *[That the US spies on trade negotiations was of course not news by this point. But it is, nevertheless, worthy to point out.]*

Because of the files' provenance, United States intelligence officials assumed

that Mr. Assange had gotten his hands on some of the N.S.A. documents copied by Mr. Snowden.

But in an interview, Glenn Greenwald, one of the two journalists entrusted with the full Snowden archive, said that Mr. Snowden had not given his documents to WikiLeaks and that the “Target Tokyo” documents were not even among those Mr. Snowden had taken.

The next paragraph goes on to note that the same NSA documents focused on climate negotiations between Germany and the UN, which seems to suggest the NYT also believes it is in petro-state leader Putin’s interest for the US attempts to dominate climate change negotiations to be thwarted, even as Assange describes US actions as protection petroleum interests, which of course align with Putin’s own.

In other words, as a central piece of evidence, the NYT spent 11 paragraphs repackaging opposition to shitty trade deals – a widely held very American view (not to mention a prominent one is most other countries affected) – into something directed by Russia, as if the only reasons to oppose TPP are to keep Russia on an equal shitty neoliberal trade footing as the rest of us, as if opposing the deals don’t benefit a whole bunch of red-blooded Americans.

That’s not only logically disastrous, especially in something billed as “news,” but it is very dangerous. It makes legitimate opposition to bad (albeit widely accepted as good within beltway and I guess NYT conventional wisdom) policy something disloyal.

NYT’s argument that Putin was behind WikiLeaks’ NSA leaks doesn’t hold together for a lot of reasons (not least that those two topics are probably not what Putin would prioritize, or even close). But it also has the bizarre effect, in a hit piece targeting Assange and Putin, of making Putin the hero of the anti-TPP movement.

And yet, NYT's three journalists don't seem to understand how counterproductive to their "journalistic" endeavor that argument is.

Update: Oy. As Trevor Timm notes, NYT worked with WL on the TPP release.

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## **SECURITY TERRITORY AND POPULATION PART 4: CONCLUSION OF DESCRIPTION OF SECURITY AND POPULATION**

The third lecture by Michel Foucault in *Security, Territory and Population* begins with a discussion of the systems of law and discipline considered from the standpoint of "norms". In the system of law, norms are the acceptable behaviors, derived from sacred texts or societal customs or the will of the sovereign. They are then codified and made mandatory. In disciplinary systems, the goal is to identify the best way to do some act, and the people are taught those actions and punished or reeducated for not doing them. In a security system, the ideas of the new sciences of understanding of the nature of the human species are brought to bear on the problem, with the goal of freeing people from the problem, or channeling their behavior into the best known forms. Normalization in the security regime consists in recognizing a problem, and working out solutions using analysis and planning.

He illustrates the latter with a detailed discussion of the introduction of inoculation and the related advances in medicine, administrative controls and statistics, showing

that the basic idea of security as a method of government is to treat the population as a whole. There is a nice example of this here. In fact, once you get used to thinking about government as Foucault describes it, you see examples everywhere.

In a law regime, the determination of norms is based on the will of the sovereign, or some sacred text or long-established custom. In a disciplinary regime, the determination of norms is made to fulfill the desires of the powerful, including the sovereign. The examples given, how to load guns, how to form up for a battle, make this clear. Foucault does not discuss the way that norms and the process of normalization are derived in the security regime. How is the decision made as to what problem should be solved, or what behavior should be encouraged or discouraged? These decisions are made through relationships of power, so perhaps we will get more on this later.

Foucault then draws several conclusions.

1. The issues became more important because of the rise of towns as centers of economic and social activity. This changed the relation between sovereigns and their subjects, and required changes in the nature of government.
2. One of the central problems of the town is circulation, not only of humans walking the street but of goods and services moving about, the need for the careful control over the circulation of money, the need for circulation of air and so on. Towns operate on the basis of circulation, which was always an issue, but becomes central as the nature of economic activity changed.
3. One critical difference is that under a security regime, there is no attempt to "... make use of a relationship of obedience between a higher will, of the sovereign, and the wills of those subjected to his will. Security doesn't depend on "... the exercise of a will over others in the most homogeneous, continuous, and

exhaustive way possible. It is a matter rather of revealing a level of the necessary and sufficient action of those who govern.”

4. In a mercantilist state, it becomes clear that the power and strength of a nation are dependent on the activities of the population as a whole. The first source of strength is the merchant and manufacturing elites, but the entire population is also crucial. The strength of the state depends on the agricultural workers and factory laborers both for their work and for their numbers, which keep wages low. For the mercantilists, the population is seen as a productive force, and not much more.

5. The function of the population under a regime of law is to create wealth for the sovereign. In a mercantile system, a regime of discipline, the goal is still the creation of wealth in the hands of the sovereign and a few others. In both cases, the people are seen as the objects of direct action by the sovereign and the elites.

This changed in the mid-1700s according to Foucault. He argues that once the population becomes an object of study, it becomes apparent that it cannot be changed by the will of the sovereign or by decree.

To say that population is a natural phenomenon that cannot be changed by decree does not mean, however, that it is an inaccessible and impenetrable nature, quite the contrary. ... [T]he naturalness identified in the fact of population is constantly accessible to agents and techniques of transformation, on condition that these agents and techniques are at once enlightened, reflected, analytical, calculated, and calculating.

A population cannot be coerced into some new behavior, but it can be indirectly channeled and prodded. The example Foucault gives is currency: money must flow throughout the territory to



encourage the people in the countryside to work on farms.

The one thing common across the individuals who make up a population is desire. "Every individual acts out of desire." Nothing can be done about desire, but if everyone is allowed to act out of desire, according to the Physiocrats the natural outcome is the greatest good for the society. Foucault identifies this as the "matrix" of the utilitarian philosophy.

Foucault notes that he is using the term sovereign less and the word government more as the notion of the population emerges. The government is more than the power of the sovereign. It is a thing in itself, one addressed in much more detail in the next lecture. Foucault says that it is the interplay of the techniques of power and their object that carves out the population as a new reality, and as the object of the techniques of power.

#### Commentary

1. The first three lectures seem to roam around in circles, adding details as we repeat the loops. This is frustrating, and difficult to follow. It helps to realize that an introduction to a new framework has to start somewhere, and the ideas have to be repeated, developed and explained from several different perspectives. This is how we come to grips with most new ideas, but especially abstract ideas.

2. The idea of political economy, or the economy as an object of study, emerges in this lecture. This economy is driven by Desire. This idea hadn't appeared in either of the first two lectures, and it appears here with no preparation and no explanation, simply as a fact. This idea deserves more analysis; and it seems odd that Foucault drops it so casually into the discussion.

3. I quoted a section about changing the population through "agents and techniques of transformation". The gloss Foucault adds "on condition that these agents and techniques are

at once enlightened, reflected, analytical, calculated, and calculating” could be misleading. It certainly does not mean that the agents must be decent humans with the best interests of society as a whole in their hearts. It’s simply a matter of technique, which can be used for any purpose.

4. Obviously these are not the only techniques that work to change society, or at least large parts of the population. Trump is a good example, and there are plenty of others whose techniques are good at changing things. In any event, the old techniques are not lost. Consider policing as we see it in Baltimore and Chicago. It sounds just like the law regime Foucault describes.

5. One way to understand this the changes in regimes is by size of population. Large populations cannot be governed in the same way as small populations. For example, we like to say that today’s large populations have a role to play in determining the goals of government and of society. Foucault has not mentioned this change.

7. Taking these last points together, the question becomes why increases in wealth and power are the only goals.

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## **SECURITY TERRITORY AND POPULATION PART 3: SECURITY AS THE BASIS FOR GOVERNING**

In the second lecture in *Security, Territory and Population*, Michele Foucault takes up the problem of food scarcity; this follows his examination of the problems of criminal law and epidemics in the first lecture. Foucault

discusses two ways of thinking about problems like scarcity. One idea is that they are misfortunes, in the classical Greek sense, obstacles for humans to overcome. In the other story, they are the result of "man's evil nature". These two ideas lead to the basic forms of governmental response. If problems arise from man's evil nature, then solutions must limit freedom of action and control the exercise of that evil nature. If they are just inevitable facts of life, the ideal solutions come from allowing the greatest freedom to find and test solutions.

Through the mid-18th Century the second idea dominated in Europe. The reaction in France to the problem of food scarcity was an increasingly complex and detailed set of regulations and prohibitions, designed to limit and control the evil behavior that caused scarcity. Foucault identifies a second reason for the adoption of discipline besides man's evil nature:

The objective is of course for grain to be sold at the lowest possible price so that peasants make the smallest possible profit and townspeople can thus be fed at the lowest possible cost and are consequently paid the lowest possible wages.

This idea is identified with mercantilism. Then in the mid-1700s, the French Physiocrats brought dramatic changes with their emphasis on freeing up trade in grain and letting markets deal with the problems of supply. The government began to allow greater freedom to the market for food. The role of the government shifted from control to supervision and occasionally some assistance to those damaged.

Foucault points out that the problem of scarcity is that it hit everyone in the territory, rich and poor, urban and country. The universality of pain is why scarcity was considered a curse. But with the new arrangement, the problem of universality of damage was ended. Those who

could pay were safe, and the problem became one of dealing with those who could not pay. Under the new arrangement the problem of scarcity disappears as a problem for the population as a whole, and becomes a problem only for a comparatively few.

This is another example of what we saw in the first lecture. The goal of security is to deal with the population as a whole, even knowing that some are not protected.

This lecture closes with a discussion of some of the differences between discipline and security as a theory of government.

1. Discipline encloses and contracts. Security opens and increases circulation, and increases the range of tools of production and control.
2. Discipline focuses on the smallest detail, while security looks at the end results, and ignores details that do not detract from the desired outcome.
3. Discipline divides everything into the categories of permitted and forbidden. Security tries to grasp the "effective reality" of events and processes, The point is to "respond to reality in such a way that this response cancels out the reality to which it responds –nullifies it, or limits, checks, or regulates it."

Security is connected to liberalism as a form of government. This last difference helps us see the nature of liberalism as a political ideal. It promises more freedom of action, more freedom of response to reality.

The idea of a government of men that would think first of all and fundamentally of the nature of things and no longer of man's evil nature, the idea of an administration of things that would think before all else of men's freedom, of what they want to do, of what they have an interest in doing, and of what they think about doing, are all correlative elements. A physics of

power, or a power thought of as a physical action in the element of nature, and a power thought of as a regulation that can only be carried out through and by reliance over the freedom of each, is, I think, something absolutely fundamental. It is not an ideology ... First of all and above all it is a technology of power...

#### Commentary

1. The idea Foucault is grasping at in that last paragraph is almost defiantly abstract. It isn't obvious how a government which considers first "the nature of things" and then works through and with "men's freedom" is a "technology of power" in the normal usage of those words. It seems to me that the choice of outcomes to be sought constitutes the exercise of power. This suggests that by technology, Foucault means merely the choice of methods of reaching the goals of power. Technology of Power sounds more imposing, though.

2. The nature of security becomes quite clear in this lecture. Foucault says that government doesn't try to provide absolute safety. Instead, it tries to provide an acceptable level of safety while allowing the greatest possible degree of freedom to individuals. He explicitly says that under a security regime people will die of hunger, they will die from inoculations, and there will be murders and property crimes. The government does not attempt to eradicate these problems. Foucault doesn't even argue that the role of government is to ameliorate the ills visited on the few.

a. This is descriptive, not normative. Foucault doesn't say what should be, merely what is.

b. Professional experts use this framework as the basis for their analysis. Obama apologist Paul Krugman is a good example. He points to various statistics that say that the economy is functioning well, including low unemployment and

the stock market, and he argues heatedly that Sanders' ideas for change would be bad. It's certainly true that things are better for many, but Donald Trump is succeeding by arguing that it isn't working for a huge group of people.

c. The experts who operate within this intellectual framework have consistently refused to deal with the left-behind, the superfluous people. That's just as true of liberals as it is of the congenitally vicious conservatives. Worse, politicians constantly say that the first job of the politician is to assure our safety. Foucault says the President and all politicians are only going so far to provide that safety. And people will be killed by terrorists; and babies will be born microcephalic because the Congress thinks Zika research is not worth doing.

3. Foucault discusses the notion of man's evil nature as the cause of social problems. This idea has its origins in Christian religious doctrine. For example, in response to plagues, Medieval Christians engaged in penitential rites seeking mercy from the Almighty. In *Evil in Modern Thought*, Susan Nieman says that this nonsense only died out in the aftermath of the Lisbon Earthquake of 1755, a horrible disaster in which an earthquake started a fire driving people to the seashore just in time for a tidal wave to kill them. Malagrida, a Jesuit cleric, blamed the disaster on the sinful people of Lisbon, and demanded that they scourge themselves and fast and pray instead of rebuilding. The chief minister Pombal was able to get rid of him and focus on healing the sick, feeding the hungry and rebuilding that great city. According to Nieman, that was the beginning of the end of sin as an explanation of natural disaster.

4. Foucault dismisses the idea of man's evil nature as the cause of social issues, but wait. There are plenty of aspects of human reality that cause social problems: religious hatred, racism, misogyny, homophobia, xenophobia, and a

host of others. These are real parts of us as primates. We shouldn't just dismiss man's evil nature as a fantasy. It kills people too, and it isn't obvious how government can or should or does respond in Foucault's description.

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## **SECURITY, TERRITORY AND POPULATION PART 2: INITIAL DISCUSSION OF SECURITY**

The first lecture in the series Foucault calls *Security, Territory and Population* is primarily a discussion of security. Instead of a definition, Foucault gives two sets of examples. The first group involves penal statutes. In the simplest case, there is a prohibited practice (you shall not steal) and a punishment (amputation). In the second, the disciplinary case, the prohibition and the punishment are present, but in a more complex context, including a system of supervisions, inspections and checks to identify the likelihood that a person will commit a crime; and instead of a spectacular punishment like amputation or banishment, there are incarceration and efforts at transforming the person. In the third case, the first two remain in place, but we add a supervisory regime of statistics and other efforts to understand the problem created by the prohibited practice and to set up mechanisms that are cost-effective in trying to keep the prohibited acts at a tolerable level with cost-benefit analysis and other constructs.

The second set of examples concerns illness. In the Middle Ages, leprosy was dealt with using a strict protocol of separation. A bit later, the Plague was treated with a robust series of quarantines, inspections and other regulatory

steps to prevent spread. In the third case, there is smallpox, treated with inoculations, so that the crucial questions are the effectiveness of the vaccine, the modes of insuring widespread inoculation, and other more formal statistical understandings.

Even without a formal definition of security we see the general outline: prevention of certain kinds of harm through concerted action. Protection of the public from preventable harms is an important role of the sovereign, and almost everyone would agree it is a proper role. The goal is accomplished through exercise of power, including both overt violence in the case of some punishments, or the separation of the diseased in the first case and by teaching and correction in the disciplinary case. In the third and contemporary example, there is a widespread effort to understand the mechanisms of prevention and a more disciplined effort by government to achieve its goals, complete with measurements of both the steps taken and the results achieved.

Foucault then takes up a Seventeenth Century text describing the proper layout of a town. The design should accommodate the things that provide security as well. The streets should allow for circulation both of human and commercial traffic, and should allow for good air circulation to prevent miasmas. Of course to some extent this ease of circulation will benefit rioters and thieves, so that sets up the need to adjust to enable good policing. From this Foucault draws the lesson that the crucial thing is to provide a "milieu" which is conducive to pleasant and secure lives for all citizens. That lesson expands to a view of governing. The goal of the sovereign is to organize things in a way that is conducive to security.

The nature of the people taken as a whole changes in the three cases. In the first, the individual is an object of action. In the criminal case, the punishment serves as a



warning to the rest of the population, but that is a side effect. In the second case, the individual becomes a participant in the disciplinary process. The goal is to persuade the criminal to become a decent member of society. In the third, the entire population becomes the subject of study, enabling the sovereign to design an entire system so that society can function in safety.

In the same way, in the case of leprosy, the point is simply to segregate the sick person from the rest to achieve security for the healthy. In the second, the goal is separation, but the people separated are carefully watched and given what care is possible, including food and shelter and medical care, in the hope that they might safely return to society. In the third, the goal is to figure out the best ways to insure safety through treatment in advance.

In each of these cases we can observe the some of the elements of power in action. In the first cases, there is direct and forceful action. In the second, there is a recognition that the individual has some capacity to improve enough to warrant return to society. In the third, there is a more subtle approach in which such things as costs and benefits are considered, and the government tries to minimize the value of bad or evil actions, and to increase the chances that the individual will see no reason to harm others.

The idea of territory comes up briefly. In every case, the sovereign exercises authority within a defined territory. There are spaces in the territory devoted to the outcast in the first case. In the second case, those spaces become more differentiated, but they remain spaces of segregation. In the third, those spaces remain, but they are not the focus. Instead, the overall layouts become the focus of thought and action; some spaces are still spaces of segregation, but other controlled spaces are more open.

Foucault doesn't see the three cases as successive iterations. In each group, the first

and second steps remain as the third evolves, and in the actual settings, there are elements of all three present in each of the cases.

In general, we can see the idea that Foucault wants to discuss, the genesis of the idea that humans are a species that can be studied, and that the results of those studies can be put to work as elements of mechanisms of power to shape the behaviors of humans in a social setting.

#### Commentary

This first lecture seems fairly simple, but it illustrates the value of a formal statement of an issue. Simply by arranging things in order and providing well-chosen examples, we can start thinking about our current situation in a more organized way. Here are two of the ideas this lecture sparked for me.

1. Consider the first case, the law, the punishment. In this case, the individual confronts an impervious system that punishes those who transgress, without mercy or consideration of circumstances. From the standpoint of the system, there are no human beings with their own motivations and problems. There is only the fact: the rules were broken and the breaker was captured by the system. Perhaps this is the neoliberal vision: the individual confronts the market which renders judgments devoid of mercy or consideration of circumstances. The state is more or less indifferent to the outcome.

2. In order for case three to work, the people in charge have to get it right most of the time, and be flexible enough to change when they get it wrong. In addition, in our system, we require the assent of the population to the governing structure, by which I mean the aggregate of the public and private actors who create the milieu in which we live. That hasn't been happening. To take Foucault's example, look at vaccinations. There was a consensus about the value of these projects, a consensus created by the combined efforts of health care professionals,

scientists, schools and government education projects, including frequently direct statements by the President and other political leaders. When the anti-vaxxers got traction, that consensus was undermined, and now we see the possibility of serious outbreaks of once-suppressed diseases. In the same way, Congress refuses to fund Zika research. The part of the milieu that protected us from infectious diseases has broken down in fits of individualism. By exalting the individual at the expense of society, we have allowed the ignorant and the silly the ability to disrupt the security of all of us.

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## TPP AND DEMOCRATIC SELF-DELUSION

After months of telling Bernie Sanders to drop out, the political chatterers are finally understanding one reason he did not do so: to maintain leverage over things like the party platform. After the platform was finalized yesterday, Bernie declared victory.

Pressed by supporters of U.S. Sen. Bernie Sanders, Democratic Party platform writers meeting this weekend in Orlando, Florida, adopted a progressive agenda that underscores the need for bold action on climate change, addresses criminal justice reform and calls for doubling the federal minimum wage.

“We have made enormous strides,” Sanders said. “Thanks to the millions of people across the country who got involved in the political process – many for the first time – we now have the most progressive platform in the history of the Democratic Party.”

The Platform Committee also adopted an amendment focused on criminal justice reform which calls for an investigation by the Department of Justice to investigate all shootings involving police officers.

The platform that will be submitted at the Democratic National Convention later this month in Philadelphia also would support Congress putting a price on carbon and methane to discourage continued use of fossil fuels that are causing severe climate change. The platform also says lawmakers must consider the impact on the climate in all federal decisions and invest heavily in wind and solar power rather than natural gas.

Delegates allied with Hillary Clinton's and Sanders' campaigns also passed amendments to fight for a \$15 federal minimum wage tied to inflation, urged passage of progressive immigration reform and called for legalization of marijuana.

There were three issues, however, where Sanders' delegates lost: opposition to Israeli settlements, a ban on fracking, and opposition to the Trans-Pacific Partnership.

The first two make sense: after all, those policy positions match Hillary's stated position (though the US is supposed to be opposed to illegal settlements), so rejecting Sanders' amendments equated to backing the nominee instead. That's the way it's supposed to work.

But Hillary, of course, claimed to oppose the TPP during the primary, even if that claim was always sketchy coming as it did as she worked so hard to negotiate the crappy deal as Secretary of State. So the mealy-mouthed language in the platform about protecting workers – akin to the same language in the Colombia Trade Deal that

did squat to protect workers – is more notable.

As is the idiotic opinion expressed by this person, described by Robert Reich as an acquaintance from the Clinton White House.

ACQUAINTANCE: “Don’t you think your blog post from last night was a bit harsh?”

ME: “Not at all. The Democratic Party is shooting itself in the foot by not officially opposing the Trans Pacific Partnership.”

[They talk about how the Democrats are supporting this to back the President.]

ME: “But it’s terrible policy. And it’s awful politics. It gives Trump a battering ram. Obama won’t be president in six months. Why risk it?”

ACQ: “They don’t see much of a risk. Most Americans don’t know or care about the TPP.”

ME: “But they know big corporations are running economic policy. They think the whole system is corrupt. Believe me, Trump will use this against Hillary.”

ACQ: “He can’t. She’s inoculated. She’s come out against the TPP.”

ME: “But it’s her delegates who voted not to oppose it in the Democratic platform. Her fingerprints are all over this thing.”

Trump may not have many articulated policy positions, but his stance against TPP has been consistent and (unsurprisingly loud). Reich is right: to the extent that platforms mean anything at all, this will be used by Trump to pitch Democrats as sell-outs to American workers.

And the notion that voters won’t react against TPP is insulting. Sure, they may not know how

specifically bad TPP is, but workers do know that NAFTA sucked. And Trump is certainly capable of equating the two.

Whoever this person is, by nature of being a Hillary advisor, he or she is supposed to be a technocratic elite. But this is idiotic, both from a policy and a political perspective.

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## **THURSDAY: REPETITION**

A little Prince to make the painful repetition a little easier to take.

By repetition I mean what's happening in Puerto Rico compared to what has already happened in Michigan.

Some of Michigan's most financially distressed cities were forced to accept emergency managers, supplanting the cities' democratically elected officials. Under state law, EMs were the sole point of power and authority for administration until the cities were deemed financially viable. We all know how that turned out; in Flint's case, ten people died from Legionnaire's disease and roughly 8000 kids will pay for the incompetence of the emergency management scheme for the rest of their lives due to the permanent effects of lead poisoning. The incompetence is further magnified by governmental bodies' failure to do the right thing to completion, while continuing to milk the city and state of more money to no effect.

Witness the state attorney general Bill Schuette now asking for \$3.4 million to investigate what can already be easily seen in records released to date. The assessments made so far have been equally wrong – like Schuette's office suing two consulting firms when documentation clearly shows outright stupidity in contract management or malfeasance on the part of government was the real problem. And none of Flint's water problems

would have happened had not the city been forced off Detroit's water by the state treasurer's office, which rejected a last-minute offer far cheaper than construction of the new Karegnondi water line. Seeing this doesn't need millions of dollars, only ethics.

Puerto Rico – with a population smaller than Los Angeles in an area a little smaller than Connecticut – is now undergoing a similar loss of democracy for similar reasons of financial distress. The territory is \$73 billion in debt caused in no small part by suffocating federal policies. The U.S. Senate just voted to supplant Puerto Rico's elected officials' authority with a team of managers. They had too little democracy as it was before this schema, not having the same kind of representation that the fifty states have; many of the financial limitations Puerto Rico faces have been directly related to the territory's inability to regulate commerce.

The economic hitmen have won. Now the vultures descend.

The galling part is this approach is called *PROMESA* (Puerto Rico Oversight, Management, and Economic Stability Act) – a promise. Brace yourselves, Puerto Ricans, at least they've warned you. *Que Dios tenga misericordia porque los buitres no lo hará.*

#### Odd lots

I've got a bunch of stray cats and dogs here that didn't fit under any theme so far this week. In other words, there wasn't much repetition. Make of them what you will.

- Russian harassment of diplomats spurs Kerry to talk with Putin (Reuters) – This was two days ago; yesterday there was a report that a diplomat was roughed up enough to require

airlifting for medical treatment. Are we seeing an escalation in tension?

- Lots of loaded oil tankers just sitting around (BBC) – Looks like price of oil was still too low for oil delivery. Wonder how many tankers moved immediately after the Brexit referendum?
- China launched a space junk collector, but is that all it will do? (SCMP) – Article suggests the equipment launched could be used as an anti-satellite weapon. Time to brush up on the 1967 Outer Space Treaty.
- Milling machine for DIY AR-15 is a hot item (Bloomberg) – Backorders piling up for machines from same young guy who posted plans for 3D printed guns on the internet. Just an aside: perhaps this is why gunmakers are flooding the market – their competition can't be tracked easily once they are printing them at home, so they flood them out. Which of course will end so well. Meanwhile, Congress remains in thrall to NRA money and refuses to regulate guns in anyway.
- Leash let off commercial



drones with new regulations (Naked Security) – Great. Can hardly wait for our skies to be filled with drones surveying everything, thanks to a lack of privacy restrictions and a rather broad requirement that the drones don't fly directly over people not controlling them. Bad enough private drones are out of control (like the one some jackass flew to window-peep at my kid's university-adjacent apartment complex).

- Nonprofit Mozilla re-branding itself as an open source 'change maker' and 'internet freedom fighter' (Creative Review) – Company is eating its own dogfood by performing this rebrand out in the open.

Thank goodness tomorrow is Friday and I can indulge in a little jazz. See you then.

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## **WEDNESDAY: WANDERING**

*All that is gold does not glitter; not all those who wander are lost.*

– excerpt, The Lord of the Rings by J.

It's a lovely summer day here, cool and dry.  
Perfect to go walkabout, which I will do  
straight away after this post.

Hackety-hack-hack, Jack

- Spearphishing method used on HRC and DNC revealed by security firm (SecureWorks) – Here's their report, but read this Twitter thread if you don't think you can handle the more detailed version. In short, best practice: DON'T CLICK ON SHORTENED LINKS using services like Bitly, which mask the underlying URL.
- Researchers show speakerless computers can be hacked by listening to fans (arXiv.org) – Air-gapping a computer may not be enough if hackers can listen to fan operation to obtain information. I'll have to check, but this may be the second such study.
- Another massive U.S. voter database breached (Naked Security) – This time 154 million voters' data exposed, revealing all manner of details. 154M is larger than the number of voters in the 2012 general

election, though smaller than the 191M voters' records breached in December. At least this time the database owner slammed the breach shut once they were notified of the hole by researcher Chris Vickery. Nobody's fessed up to owning the database involved in the the December breach yet.

- Speaking of Vickery: Terrorism databased leaked (Reddit) – Thomson-Reuters' database used by governments and banks to identify and monitor terrorism suspects was leaked (left open?) by a third party. Vickery contacted Thomson-Reuters which responded promptly and closed the leak. Maybe some folks need to put Vickery on retainer...
- Different kind of hack: Trump campaign hitting up overseas MPs for cash? Or is he? (Scotsman) – There are reports that Trump's campaign sent fundraising emails received by elected representatives in the UK and Iceland. Based on what we know now about the spearphishing of HRC and DNC, has anybody thought to do forensics on these

emails, especially since government officials are so willing to share them widely? Using these kinds of emails would be a particularly productive method to spearfish government and media at the same time, as well as map relationships. Oh, and sow dissension inside the Trump family, urm, campaign. On the other hand, lack of response from Trump and team suggests it's all Trump.

Makers making, takers taking

- Apple granted a patent to block photo-taking (9to5Mac) – The technology relies on detecting infrared signals emitted when cameras are used. There's another use for the technology: content can be triggered to play when infrared signal is detected.
- Government suppressing inventions as military secrets (Bloomberg) – There's merit to this, preventing development of products which may undermine national security. But like bug bounties, it might be worth paying folks who identify methods to breach

security; it's a lot cheaper than an actual breach, and a bargain compared to research detecting the same.

- Google wants to make its own smartphone (Telegraph-UK) – This is an effort apart from development of the modular Ara device, and an odd move after ditching Motorola. Some tech industry folks say this doesn't make sense. IMO, there's one big reason why it'd be worth building a new smartphone from the ground up: security. Google can't buy an existing manufacturer without a security risk.
- Phonemaker ZTE's spanking for Iran sanction violations deferred (Reuters) – This seems kind of odd; U.S. Commerce department agreed to a reprieve if ZTE cooperated with the government. But then think about the issue of security in phone manufacturing and it makes some sense.

A-brisket, a Brexit

- EU health commissioner Andriuskaitis' response to Nigel Farage's insulting remarks (European Commission) – Farage

prefaced his speech to European Commissioners yesterday by saying “Most of you have never done a proper day’s work in your life.” Nice way to win friends and influence people, huh? Dr. Vytenis Andriuskaitis is kinder than racist wanker Farage deserves.

- Analysis of next couple years post-Brexit (Twitter) – Alex White, Director of Country Analysis at the Economist Intelligence Unit, offers what he says is “a moderate/constructive call” with “Risks definitely to the downside not to the upside.” It’s very ugly, hate to see what a more extreme view would look like. A pity so many Leave voters will never read him.

Follow-up: Facebook effery

Looks like Facebook’s thrown in the towel on users’ privacy altogether, opening personal profiles in a way that precludes anonymous browsing. Makes the flip-flop on users’ location look even more sketchy. (I can’t tell you anymore about this from personal experience because I gave up on Facebook several years ago.)

Happy hump day!

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# THE THEORY OF BUSINESS ENTERPRISES PART 7: CULTURAL CHANGES

In the early chapters of the book, Thorstein Veblen describes industrial productive methods and the changes they require of workers. In Chapter 9, he describes the effect of those changes on the workers and on businessmen who own the factories. In general, the businessmen become more attached to a system of thought based on natural rights. Natural rights law, especially as related to ownership and property, is the basis for their control of the productive sector; and it gives them the tools they use to continue that domination. Natural rights ideas were formulated in a much earlier era, when the dominant mode of production was the individual fabricator, the individual handicraft worker. Natural law was embedded in the entire social fabric, Church, State, and community. These institutions remained strong in the early part of the industrial age, up to 1904 when Veblen wrote.

Veblen says that factory workers were moving away from the natural law ideas, which, after all, were a metaphysical formulation, grounded in the social structures of an earlier day and an earlier system of production. Their lives were now ruled by gauges and measurements, by cause and effect. This is the form of inquiry behind the development of the sciences which drove the technology of the machine age. It tends to undercut the traditional forms of thought that underlie the conventional thinking of the businessmen, forms which Veblen calls metaphysical.

Veblen says that this newer kind of thinking led the working classes to lose respect the natural rights forms of thinking, and specifically for property rights and the individual ownership of

industrial property. In turn, this helped the working class to see itself differently, as expressed in the trade union movement, and in socialist and even anarchist thinking. For the most part, he thought that the trade union movement would reinforce the business interests by making only those demands necessitated by the changes that the industrial process made in the lives of the workers. They sought standardized wages and regular hours and other accommodations necessary to make their lives more pleasant, and did not carry the ideas of cause and effect or the indifference to property rights to their logical extreme as socialist theory would. He adds a long and unfriendly discussion of socialism.

When he gets back to the cultural changes, one of the issues he identifies is changes in domestic relations. The traditional family becomes a less spiritually important institution.

What appears to be in jeopardy, should the socialistic defection gain ground, is the headship of the male in the household economy. The family, as it has come down from the medieval past, under the shelter of the church, is of a patriarchal constitution, at least in theory. The man has been vested with discretionary control in domestic affairs.

As the discussion continues, it becomes apparent that the driving force isn't socialist theory, but real changes in the possible ways to live created by the machine age. It isn't just the family, it's the Church, and even patriotism that are called into question. Mere formal or conventional justifications do not suffice for people of any class whose thought processes are governed by theories grounded in cause and effect.

The machine technology is a mechanical or material process, and requires the



attention to be centred upon this process and the exigencies of the process. In such a process no one factor stands out as unequivocally the efficient cause in the case, whose personal character, so to speak, is transfused into the product, and to whose workings the rest of the complex of causes are related only as subsidiary or conditioning circumstances. ... The process is always complex; always a delicately balanced interplay of forces that work blindly, insensibly, heedlessly; in which any appreciable deviation may forthwith count in a cumulative manner, the further consequences of which stand in no organic relation to the purpose for which the process has been set going. The prime efficient cause falls, relatively, into the background and yields precedence to the process as the point of technological interest.

Veblen said that this was happening to the greatest extent in the large industrial towns, and less so in the smaller towns and the countryside. Veblen is obviously interested in the culture of the workers; he ignores the conventional thinking of the businessman, and focuses on cultural changes in the vastly larger class of working people. Veblen thought that cultural growth in the machine age would be "... of a skeptical, matter-of-fact complexion, materialistic, unmoral, unpatriotic, undevout."

In Chapter 10, Veblen takes up the future of the businesses. He thinks they will collapse because they become "fiscal ways and means", subservient to a militaristic state which itself will collapse under the pressures of war. That didn't happen.

As it turned out Veblen was more or less right that there were changes in the working classes in the larger industrial towns, and less so in the rest of the country. He ignored the Grange

Movement and a good bit of the populist revolution on the farms, though. Even so, that was enough change to produce the New Deal and a highly efficient war machine in WWII, and a strong working class throughout the 50s and early 60s. By that time, socialism was wiped out in the US, and the union movement began to deteriorate. The war industry picked up strength first under Kennedy and LBJ, and then at higher levels beginning with Reagan, the second of his predictions began to seem more plausible. But it won't be counteracted by an organized and strong working class, because there isn't one.

We seem to be lurching from one crisis created by the elites to the next crisis created by the elites. We could use some ballast.

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## MONDAY: FIERCE DOG

*Hunger and fear are the only realities in dog life: an empty stomach makes a fierce dog.*

– excerpt, personal journal of Capt.  
Robert Falcon Scott

This short film by Aaron Dunleavy was inspired by his childhood in Blackburn, Lancashire UK. The script was improvised and cast using locals.

All districts in Lancashire voted Leave during last week's Brexit referendum, with 65% of Blackburn voters supporting Leave.

Worth noting an article in Lancashire Telegraph about an Aldi's store under construction. Aldi's is a German-owned grocery store chain; have to wonder if construction will be completed.

Brexit botch bits

- @shockproofbeats on Brexit's

impact on Northern Ireland (Storify) – It's messy now and promises to be even uglier.

- Downside for China (and other foreign investors): Real estate purchases may be put on hold (SCMP) – Some deals in the works may be halted until the pound is more stable. On the other hand, Britain may step in and put the brakes on sales; too easy for overseas entities with big money to buy up property while pound is depressed.
- Upside for China (and other banking centers): Business could pick up in Hong Kong (SCMP) – London is the second largest trading center of yuan next to Hong Kong; some of the business could shift back to Hong Kong, especially if HSBC bank choose to relocate its headquarters to HK from London.
- No change in position on Brexit referendum since last Friday according to PM David Cameron (Independent-UK) – Though Cameron is now going to leave in September. He continued to push triggering of the Article 50 to his

successor while taking pot shots at Labor Party over its purge this weekend. Not certain most Americans will notice just how Cameron has managed to shift the blame to both MPs and the people for a referendum he proposed, or how he has turned execution of Article 50 into a poisoned chalice. Lord Chancellor Secretary of State for Justice Michael Gove, Leave campaign proponent, was present at today's session in Parliament but said nothing before disappearing. Boris Johnson, MP for Uxbridge and South Ruislip and Leave campaign proponent, was noticeably absent. Wankers all three.

#### SCOTUS Week

Waiting around watching the court for good or ill until this morning is kind of like waiting for Shark Week – hey, it IS Shark Week! What a coincidence!

- Texas' HB2 ruled unconstitutional (WaPo) – Immensely restrictive state law which anti-abortion proponents claimed protected women struck down; majority justices saw through fallacious arguments. Usual suspects dissented

(Roberts/Thomas/Alito).

- Domestic abusers can be denied guns based on misdemeanor charges (NPR) – Now if only there was a universal background check law to ensure any gun seller could identify domestic abusers...Case before SCOTUS even more exceptional as Justice Thomas asked questions from the bench.
- Court turns away appeal on Montana state law limiting med marijuana sellers to 3 patients max (Billings Gazette) – What a nuisance for folks like cancer patients who need medical marijuana in a such a rural state.

#### Miscellaneous trouble

- U.S. studied *Aedes aegypti* mosquitoes released in American neighborhoods (Atlas Obscura) – *Are you kidding me?!* The U.S. tested the same mosquitoes which carry Zika, dengue, and yellow fever by releasing them in residential neighborhoods – AFTER they had nearly been wiped out of the western hemisphere?
- Pin-based security system may end after IRS hacked

again (Naked Security) – Looks like the weakest link is the e-File Pin for account access, same as in hacks before April 15th this year. The knowledge-based verification component was easily undermined by determined hackers who could look up information.

Promises to be a busy week ahead. Stay tuned!

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## **FRIDAY: THERE'S ALWAYS THE SECOND LINE**

After the shock, denial, horror, anger, and grief of death, there's always the second line. Seems fitting today in the wake of Brexit to observe the passing of an ideal – a United Kingdom, in harmony with its European neighbors and allies – that we have a second line.

You're probably familiar with the imagery of the second line, a New Orleans tradition in which a jazz band plays for a funeral procession after the mourners have buried the dead. The history of the second line isn't clear in no small part because it originated among the African diaspora and the creole community, whose cultural history is poorly documented because of race. The second line was the other face of death – the celebration of the departed's arrival at better world beyond the reach of the living. Over the last hundred years, the second line became a community event not confined to funeral processions alone. Sunday afternoons revolved

around street parties centered on the local Social Aid and Pleasure Clubs and Benevolent Societies from which many brass jazz bands emerged as a part of the services offered through their co-op funeral insurance.

The video embedded here is more of a traditional blues dirge among second line tunes, but it might be played before or after the funeral. This video, however, shares music with true second line spirit, recorded as an observation of the passing year. And this second line following the funeral of Ernest "Doc" Watson is the definitive example.

Best jazz I can do post-Brexit referendum.

#### Brexit Backwash

- What's next after the referendum? (EU Law Analysis) – First snappy overview of the legal steps Britain will take, by Professor of EU and Human Rights Law at the University of Essex. More emphasis here on pertinent human rights issues.
- What's next after the referendum, redux? (Public Law for Everyone) – Second equally snappy overview of the legal steps Britain will take, this time by Mark Elliott, Professor of Public Law at the University of Cambridge, Fellow of St Catharine's College, Cambridge, and Legal Adviser to the House of Lords Select Committee on the

Constitution.

- EU's disintegration will still affect UK in spite of Brexit (The Guardian) – Cripes, did none of the UK's Eton elites or the white nationalists think to listen to Yanis Varoufakis, former Finance Minister to Greece during Grexit? This op-ed is grim and frank – Varoufakis is plain-spoken. Reading it only makes me more certain the EU will utterly abandon comprehensive emissions controls for the region, and Volkswagen's fraudulent passenger diesels will never leave the bloody roads.
- Jo Cox's death and Brexit (The New Yorker) – If aren't already sickened by either Brexit or the murder of MP Jo Cox eight days ago, read this. Guess how her constituency voted.
- Brexit's future impact on British cuisine (Europa) – European cook Thom Eagle looks at the effect Brexit will have on what he does, from Spanish olive oil to French mushrooms. Hard to imagine the soft-handed elitist prats wanting to go back to Heinz canned beans on toast. Oh wait, UK



doesn't grow much of its own wheat. Beans it is...nuts, they import those from the U.S., many of them from Michigan.

- Speaking of which, Brexit's affect on Michigan (Detroit Free Press) – Michigan may well be one of the states Brexit affects most, given the existence of General Motors' plants in the UK and the UK market for automobiles. UK bought more than Brazil or Germany from GM last year, but the cost to continue operations in UK...oy.

Legal and other la-la

- SCOTUS ruling on Abigail “#BeckyWithTheBadGrades” Fisher and why it matters (The Establishment) – In SCOTUS ruling this week on *Fisher v. University of Texas*, UT-Austin had not only ensured true meritocracy by accepting the top 10% of students from each high school without regard for any other criteria, but they built a strong justification for selectivity of other students. Fisher, in spite of having the advantages

that come from being white and adequately resourced, simply didn't make the top 10% at her school in a year when admission was incredibly competitive, AND she brought nothing else to the school to benefit other students.

- Split decision upholds lower court ruling reinforcing tribal sovereignty (Bitch Media) – If you commit a crime on tribal lands even if you're not a Native American, expect an American Indian tribe to file civil suit. Simple as that. In this case, if s a child molester working for Dollar General molests a child on Mississippi Band of Choctaw Indians' tribal lands, the Choctaws can file against the perp and employer regardless of non-native status.
- Marginalization of poor white Americans (Pacific Standard) – The U.S version of Brexit could be built on this segment of the population, which feels left out by efforts to increase equality for minorities. Point taken, but somebody's going to have to write the

bridge out of this pity party for people who constantly vote against their best interests, and discuss intersectionality in raising equality across the population.

Weekend long read

Governor Jerry Brown reviews a new book by former Secretary of Defense William J. Perry. My Journey at the Nuclear Brink is some eyebrow-raising stuff.

That's a wrap on a particularly grueling week. Have a nice weekend.