The Shifting Sands of Obama's Bergdahl Defense

If America's newly free POW really was a deserter, the White House is in deep trouble.

Oⁿ Sunday, National Security Advisor Susan Rice said former American prisoner of war Bowe Bergdahl served with "honor and distinction" before he was captured by the Taliban in Afghanistan.

Two days later, the secretary of the Army said the branch will investigate whether Bergdahl deserted his fellow soldiers -- an allegation that if true would transform the public perception of the POW and drastically complicate the White House's attempts to defend its prisoner exchange, which involved the release of five Taliban operatives from Guantanamo Bay.

On Tuesday, a fresh wave of lawmakers, including a top Senate Democrat, criticized the Obama administration's handling of Bergdahl's release. Complaints centered on four basic issues. Some critics oppose the very idea of trading five Guantanamo detainees for a U.S. soldier given the age-old mantra that the United States does not negotiate with terrorists (though historically, it sometimes has). Others say the administration broke the law by failing to comply with legislation requiring the president give 30-days notice to Congress before moving any prisoners out of Guantanamo Bay. Still others believe that given Bergdahl's potential status as a "deserter," the administration gave up too much in releasing five hardened Taliban operatives in exchange for his release. Lastly, some members of Congress believe the White House should've never championed Bergdahl as a hero given the unknown circumstances of his abduction. For its part, the White House has rebuttals for each charge. But its emphasis has evolved over the last three days. At the outset, the administration argued that Bergdahl's "safety and health were in jeopardy," justifying a hasty swap without the required congressional notification. Citing privacy concerns, the administration would not provide details about Bergdahl's condition. On Tuesday, the White House defended its unilateral actions on constitutional grounds. "Delaying the transfer in order to provide the 30-day notice would interfere with the executive's performance of two related functions that the Constitution assigns to the President," said White House spokesperson Caitlin Hayden. "Protecting the lives of Americans abroad and protecting U.S. soldiers."

Meanwhile, the country's understanding of Bergdahl and his service to the country has changed dramatically. On Saturday, the White House hosted a Rose Garden event to celebrate Berdahl's release, which President Obama attended. On Sunday, Susan Rice told ABC that Bergdahl served the U.S. "with honor and distinction." His fellow soldiers, however, said he deliberately left base before his abduction and often complained bitterly about the U.S. mission in Afghanistan. They also noted that some U.S. soldiers were killed in the hunt for Bergdahl. Following those mounting criticisms, Gen. Martin Dempsey, the chairman of the Joint Chiefs of Staff, suggested that the Army may pursue a desertion investigation into Bergdahl, which Army Secretary John McHugh confirmed on Tuesday. "As Chairman Dempsey indicated, the Army will ... review this in a comprehensive, coordinated effort that will include speaking with Sgt. Bergdahl to better learn from him the circumstances of his disappearance and captivity," said McHugh. Rice's remarks championing Bergdahl effectively boxed the White House in and created daylight between it and the Pentagon as military officials responded to tough questions about Bergdahl's past.

The dramatic speed in which Bergdahl went from hero to something more complicated led to criticisms of the White House. "Knowing the background of this soldier to somehow give them this type of hero status, what does that do the mothers and fathers of those other soldiers who were killed in Afghanistan, especially those who were out trying to find [Bergdahl]?" Rep. Peter King (R-N.Y.) said on CNN on Tuesday. "And to have Susan Rice say he conducted himself with honor and distinction, it makes you wonder about all of the things the president is saying."

Later in the broadcast, White House Press Secretary Jay Carney defended Rice's remarks, saying she was commenting on his service in general, not on allegations about his disappearance. "Sgt. Bergdahl put on the uniform of the United States voluntarily and went to war for the United States voluntarily," Carney said. "That takes honor and is a mark of distinction."

But the issue over how the administration portrayed Bergdahl is just one among many on the minds of Congress members. Many are still furious over being left in the dark about the prisoner exchange itself. "It's very disappointing that there was not a level of trust sufficient to justify alerting us," Sen. Dianne Feinstein (D-Calif.) told reporters at the Capitol on Tuesday. Other lawmakers pledged to grill the administration on this topic during newly-scheduled hearings at the House and Senate Armed Services Committees. "In executing this transfer, the President ... clearly violated laws which require him to notify Congress thirty days before any transfer of terrorists from Guantanamo Bay and to explain how the threat posed by such terrorists has been substantially mitigated," said Rep. Howard "Buck" McKeon (R-Calif.), chairman of the House Armed Services Committee, and Sen. James Inhofe (R-Okla.), ranking member of the Senate Armed Services Committee, in a joint statement.

A spokesperson for Inhofe said the senator is also upset that the administration negotiated with the Taliban for Bergdahl's release. "The senator is very concerned that the president has set a new precedent of negotiating with terrorists and releasing some of the most senior Taliban members when we still have troops in harms way," said the spokesperson. "This will be a concern he would like addressed in any briefing or hearing on the prisoner exchange."

Democrats, for the most part, are defending the president. In a statement, Senate Armed Services Committee Chairman Carl Levin of Michigan said the administration's level of consultation was adequate given the circumstances.

"We received a detailed classified notification from the Secretary of Defense that satisfies the many substantive certification requirements of the National Defense Authorization Act," said Levin. "The president put Congress on notice on Dec. 23, 2013, that he intended to exercise his powers as commander in chief, if necessary, 'to act swiftly in conducting negotiations with foreign countries regarding the circumstances of detainee transfers.' ... Given that notice, members of Congress should not be surprised that he acted as he did in the circumstances that existed." But Inhofe's spokesperson noted that the NDAA requires a detailed statement on the basis of the transfer and why the transfer is in the national security interests of the U.S., which was not met by the administration.

While the investigation into Bergdahl's kidnapping will not likely be complete anytime soon, expect the issue over congressional notification to play out heatedly over the next few weeks.

The Silencing of Egypt's Jon Stewart

The rise and fall of a funnyman in a strongman state. BY H.A. HELLYER

E gyptians moved their clocks forward an hour a couple of weeks ago following a decision by the country's new rulers to reinstitute daylight saving time, which had been eliminated following Hosni Mubarak's ouster in 2011. For the rather embattled group of revolutionaries who reject the domination of both the military and the Muslim Brotherhood, this inspired a joke: "They are taking away the revolution's only lasting achievement!" It's dark humor, to be sure, but humor in itself can be something quite potent -- and to some in Cairo, quite threatening.

Egypt just got a rude wake-up call about that fact. On Monday, Bassem Youssef -the man described as Egypt's "Jon Stewart," who ran a program gleefully satirizing the country's predominant political narrative -- announced that his show was, at least for now, over. The program, called *El-Bernameg*, had already been forced to suspend shooting a few weeks ago, under the pretext that it would unduly influence Egyptian voters in the run-up to the Egyptian presidential election in late May. Of course, all other television shows -- including those that unapologetically tried to politically influence viewers -- were left untouched. The program was nevertheless due to return on Friday, May 30 -- but didn't.

This is the second time Youssef has stopped airing his program. Last year, he parted ways with the Egyptian network CBC on less than amicable terms, after the channel declared that Youssef had gone against their "editorial guidelines" -- presumably due to his less than adulatory stance toward the new military-backed government. This time, however, Youssef had nothing but praise for his current network, the Saudi-owned MBC. At a press conference announcing the indefinite suspension of the show, Youssef did not go into details, but clearly alluded to pressures that were beyond the control of the program, and the channel itself.

Rumors will now abound. There are, of course, suspicions that the higher echelons of the Saudi state, which is very supportive of the Egyptian establishment that Youssef's program infuriated so much, put pressure on MBC. However, those suspicions are difficult to prove. What is clear is that at different times in the past two years, whether under former President Mohamed Morsi or the militarybacked government that succeeded him, Youssef and his staff were subjected to court cases, death threats, and other modes of harassment.

The harassment began in a pronounced fashion during the Morsi era. Youssef had not voted for Morsi -- he had been filming abroad during the presidential run-off -but had made it clear that voting for the other contender, Mubarak's last prime minister, Ahmad Shafiq, would be a "very hard thing" for him to contemplate. In the early months of Morsi's time in office, *El-Bernameg* tried, unsuccessfully, to get him onto the show, as the president of the republic -- something that no other show in the non-Islamist, let alone anti-Islamist, media arena had contemplated.

Youssef's program progressively became more critical of the government. He lampooned Morsi's now-famous presidential decree that exempted his decisions from judicial oversight, and continued to be a prominent critic thereafter.

The Morsi administration and its supporters struck back. Over the course of the Muslim Brotherhood's year in power, Youssef was arrested and investigated by the prosecutor general's office for "insulting the president" as well as for "insulting Islam."

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openly supportive of Morsi's administration, continued to rally against him.

Youssef supported the June 30 campaign calling for early presidential elections, and also celebrated the departure of the Islamist president after he was ousted by the military on July 3, 2013. Part of this was probably due to his own personal fears: He was aware that the authorities had drawn up a list of more than 20 media personalities who had been described as going too far in criticizing the presidency. In Morsi's last speech before the protests began, he also made it clear that "one year was enough," and singled out the media for particular criticism. For Youssef, this would have been confirmation that if the June 30 protests did not succeed in effecting some sort of change, he and many other prominent media figures would be arrested.

Following Morsi's ouster, Youssef wrote that the immediate closure of several Islamist channels that were inciting violence and sectarianism in the wake of Morsi's removal was justified. Within a couple of weeks, however, he was writing articles asking when the Islamist channels would be reopened, and calling for the new military-backed authorities to be held accountable for human rights abuses. He warned anti-Brotherhood Egyptians against letting their victory against the MB cloud their judgement and become "fascist," and called for an investigation into the clearing of the Raba'a sit-ins, where Youssef insisted innocent people had died. Probably due to Youssef's deep antipathy to the Brotherhood, the group's supporters argued that he cheered on the crackdown — but his weekly columns in Egypt's *Shorotuk* newspaper showed otherwise. Though his program was off the air for the summer vacation and due to the passing of Youssef's mother, it was clear from his articles that he was becoming more critical of the ultra-nationalistic tendency that was sweeping the country's mainstream narrative, and the fawning media that promoted it.

But for opponents of the military, both Islamist and otherwise, he did not take on the new leadership directly enough. Indeed, Youssef's criticism of Abdel Fattah al-Sisi was very different than that of Morsi: The program was far more delicate and careful with the military-backed government. Part of that was likely strategic: Under Morsi, a broad spectrum of institutions -- inside and outside of the state -- were not happy with the fact that he was president, which gave Youssef a certain amount of space in which to operate. When Sisi's military-backed government took power, it became a different ballgame altogether: If Youssef's program chose to back the nationalistic theme that was then (and now) dominating the Egyptian media, he would be among friends; if he went against the grain, he would be gaining enemies across all of Egypt's institutions. He and his team chose the latter -- and that choice is what eventually led to the end of the show.

Had Youssef been willing to make certain compromises, *El-Bernameg* could have gone on. He could have turned his show into one that lauded the now presidentelect -- certainly, that is what nearly all of the Egyptian media now does in some shape or form. He could have chosen to leave Egypt and broadcast in exile, or he could have gone to another channel -- either another Arab one, or a European station.

But Youssef always made it clear that his program was an Egyptian program, and that it would be aired from Egypt on an Arab station -- otherwise, it wouldn't be aired. The last thing he wanted was to invite yet more attacks about the program being some sort of treasonous foreign entity. In discontinuing his show, Youssef and his team have sent a message: They refuse to compromise on their content to satisfy the powers that be. That is certainly unlike most of the Egyptian media -indeed, unlike media outlets the world over, including within the United States and Europe.

The departure of *El-Bernameg* from the Arab media scene is a sad one. Youssef and his team have faced court cases, gone through different television stations, suffered death threats, and coped with religious extremism and ultranationalism. In the end, the pressure proved too much for him, his team, and his station -because ultimately, they realized that in this new environment, there would be no one to stand by them if they were eventually taken down.

This episode says a great deal about the state of Egyptian media and media freedom in 2014. As for the future of *El-Bernameg*, Youssef put it plainly: "The show is not dead. It's sleeping, because little children don't want to hear it." But no one sleeps forever -- and generally, the old tend to die before the young. If nothing else, *El-Bernameg*, like a majority of Egypt's population, is young.

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