

OBAMA DRONES ON



Afghanistan and Iraq: War Crimes Against Children Ascribed to Former President Bush

by Sherwood Ross

Torture has received the most attention among the many war crimes of the Bush administration. But those who support Bush's pursuit of the "war on terror" have not been impressed by recriminations over torture. Worse than torture are the murders of at least 50 prisoners in Abu Ghraib, Afghanistan, and Guantánamo, but again the hard-hearted are unimpressed when those whom they perceive as terrorists receive illegal extrajudicial capital punishment.

The case for abusing children, however, is more difficult to support. The best kept secret of the Bush's war crimes is that thousands of children have been imprisoned, tortured, and otherwise denied rights under the Geneva Conventions and related international agreements. Yet both Congress and the media have strangely failed to identify the very existence of child prisoners as a war crime. In the Islamic world, however, there is no such silence. Indeed, the prophet

Mohammed was the first to counsel warriors not to harm innocent children.

From jailing children together with adults in prisons where they were raped to failing to notify their parents of their arrest, the U.S. committed numerous war crimes against children in Afghanistan and Iraq, a new book on President Bush states.

"American guards videotaped Iraqi male prisoners raping young boys but took no action to stop the offenses (and) children in Abu Ghraib were deliberately frightened by dogs," writes political scientist Michael Haas in his new book, *George W. Bush, War Criminal?* (Praeger), a question he answers in the affirmative.

"In most cases, weeks or even years elapsed before parents were informed of the imprisonment of their children," says Haas, noting that in Afghanistan alone during 2002 "at least 800 boys, aged 10 to 15 were captured," 64 of whom were sent to Guantanamo, Cuba, where some were flung into solitary confinement. Haas notes that

(See CHILDREN on page 4)

U.S. Commission of War Crimes Is the General Rule

by S. Brian Willson

The (UK) Sunday Times Online Edition, June 14, 2009 ("Afghan Villagers Slain As They Took Cover" by Jon Swain) reported a Bush II administration Iraq policy to accept 30 civilian deaths (murders) for each attack on a high-value target. Under the Obama administration the acceptable number has been reportedly reduced to single digits.

Examination of U.S. military history reveals a long pattern of contempt for civilians, rationalizing their murders, usually by ignoring them, or dehumanizing them such that they are not considered human. Since U.S. intervention is generally illegal, and consequently unpopular with the majority of the victim-nation's citizenry, many locals join the resistance, as is their right under international law. The U.S., of course, sees them as unlawful combatants.

The very foundation of U.S. civilization is built on genocide of millions of indigenous people, termed "savages" and

(See GENERAL RULE on page 2)

No Change in Policy War Crimes Continue

Unexceptional Americans: Why We Can't See the Trees or the Forest

The Torture Memos and Historical Amnesia

by Noam Chomsky

The torture memos released by the White House elicited shock, indignation, and surprise. The shock and indignation are understandable. The surprise, less so. For one thing, even without inquiry, it was reasonable to suppose that Guantanamo was a torture chamber. Why else send prisoners where they would be beyond the reach of the law—a place, incidentally, that Washington is using in violation of a treaty forced on Cuba at the point of a gun?

Security reasons were, of course, alleged, but they remain hard to take seriously. The same expectations held for the Bush administration's "black sites," or secret prisons, and for extraordinary rendition, and they were fulfilled. More importantly, torture has been routinely practiced from the early days of the conquest of the national territory, and continued to be used as the imperial ventures of the "infant empire"—as George Washington called the new republic—extended to the Philippines, Haiti, and elsewhere.

Keep in mind as well that torture was the least of the many crimes of aggression, terror, subversion, and economic strangulation that have darkened U.S. history, much

as in the case of other great powers.

Accordingly, what's surprising is to see the reactions to the release of those Justice Department memos, even by some of the most eloquent and forthright critics of Bush malfeasance: Paul Krugman, for example, writing that we used to be "a nation of moral ideals" and never before Bush "have our leaders so utterly betrayed everything our nation stands for." To say the least, that common view reflects a rather slanted version of American history.

American imperialism is often traced to the takeover of Cuba, Puerto Rico, and Hawaii in 1898. But that is to succumb to what historian of imperialism Bernard Porter calls "the saltwater fallacy," the idea that conquest only becomes imperialism when it crosses saltwater. Thus, if the Mississippi had resembled the Irish Sea, Western expansion would have been imperialism. From George Washington to Henry Cabot Lodge, those engaged in the enterprise had a clearer grasp of just what they were doing.

After the success of humanitarian intervention in Cuba in 1898, the next step in the mission assigned by Providence was to confer "the blessings of liberty and civilization upon

(See CHOMSKY on page 4)

Inside: droning bombers; droning Obama; Israel-U.S. crime partners; Gen. Taguba; Vets to Obama; Gitmo; sin; lessons from history; and more...

VFP president to Obama: We are angry, We are outraged

Dear President Obama,

We write to you again, this time to say we are saddened to see that you now clearly believe in the tired, inhumane and unworkable assumption that violence will somehow work; that might makes right. But that is not the only thing we need to tell you.

We are not just saddened. We are angry. We are outraged by these actions, this practice of "death from above" you are ordering, causing the killing and wounding of hundreds of innocent people, as exemplified by the recent horrific attacks in Afghanistan.

When will it be enough, Mr. President? What is the number of dead and injured at which you will say "this can't go on"; the number at which you will decide it's time to turn away from violence and find another way? This really is the question upon which everything else will turn—how many bodies are too many? You know it is impossible to kill our way to a resolution, if for no other reason than every death and injury creates even more people willing to fight and die to remove us from their land.

We've been through this before, Mr. President, and I don't mean that in a rhetorical way.

We have indeed been through this all before—unlike most of the people in our country or in your administration. We have seen and heard and smelled and felt what "death from above" actually means, not in a briefing report but right there in our hands and before our eyes.

We've seen the look in the eyes of the people we occupied. We felt their anger and their humiliation. We remember these things well, Mr. President, because they will not go away no matter how many years pass.

Veterans For Peace will continue to speak out against such crimes. We will do so along with the growing numbers of people who are telling you that by going down this road you are making a tragic mistake. We no longer face the old question of "guns or butter?" Now the question is: will we completely destroy our economy with all that means, or will we step back from the brink and do what our humanity demands of us before the slide into moral and economic ruin is irreversible?

At some point, Mr. President, you will decide to turn away from violence, to end these occupations. As we wrote before, we stand ready to assist you in any effort to find another way.

Until then you will find us in the streets.

Most Sincerely,

Mike Ferner
National President
Veterans For Peace



General Rule

(Continued from page 1)

"vermine," who for multiple generations had resided on lands in the Western Hemisphere forcefully taken from them by European invaders. Our Declaration of Independence describes the indigenous Americans as "merciless Indian Savages." In 1779, during the Revolutionary War, General George Washington described the indigenous Americans as "beasts of prey," ordering their destruction while "chastizing" them with "terror." The U.S. Constitution did not recognize indigenous Americans as citizens. In effect, they were non-persons.

Genocide number two occurred with the forceful ravaging of numerous African communities, killing the majority in a violent process capturing millions to acquire "free" chattel slaves to build the early agricultural and industrial base of the U.S. Our U.S. Constitution explicitly denied African-American slaves the status of people or citizens, treating them merely as property.

During the Twentieth Century, hundreds of military and thousands of covert interventions in more than one hundred nations enabled the U.S. to acquire lucrative markets and cheap resources and labor, murdering at least 20 million innocent poor in the process, to assure success, at virtually any cost, of the American Way Of Life (AWOL). This latter record amounts to genocide number three. The U.S. civilization is built on genocides, enabling selfish addiction to money and material goods through violent, deceitful control of virtually everything in our path, causing incalculable destruction to people and the environment. People of color, or of little means, are worth less, often nothing, as we consider ourselves "exceptional."

During the Spanish-American War, the behavior of the U.S. military repressing the Philippine Insurrection (1899-1902), matched and exceeded use of official terror as applied against U.S. indigenous right up to the Wounded Knee Massacre in South Dakota in December 1890.

Angry at indigenous resistance, the U.S. referred to native Filipinos as "goo-goos." Army Brigadier General "Hell-Raising" Smith ordered Marine Major Littleton W.T. Waller on Christmas Eve 1901: "I want no prisoners. I wish you

to kill and burn; the more you kill and burn the better you will please me." General Smith declared that "the interior of mountainous Samar must be made a howling wilderness," ordering all persons killed who were capable of bearing arms and engaging in combat.

President Theodore Roosevelt congratulated the General in charge of conquering Batangas Province in Luzon for his successful scorched earth policy that killed, according to an estimate of the secretary of the province, one-third of the population through shootings, starvation, and war-induced disease.

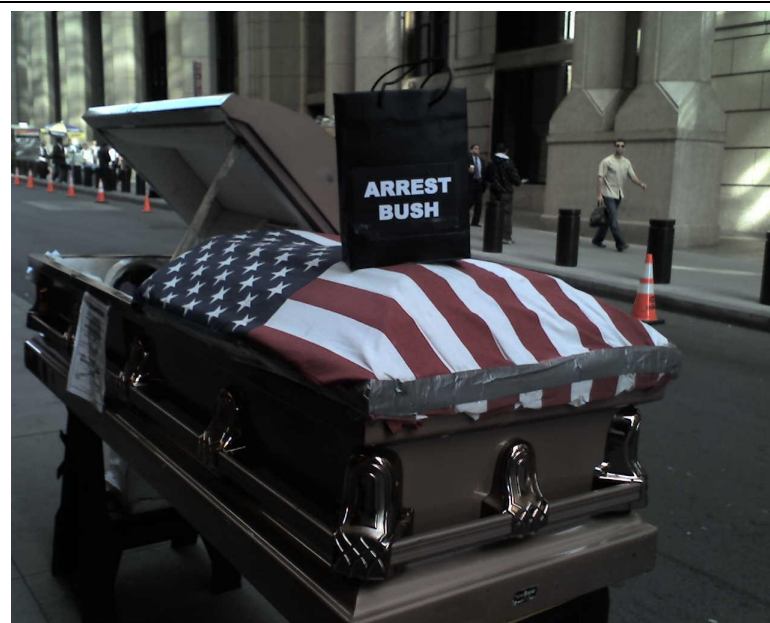
By the time the bulk of the guerrillas had surrendered or been killed in 1902, nearly 5,000 U.S. military had died. But estimates of Filipinos murdered in the nearly three-and-a-half year campaign of "scorched earth" range from 200,000 to 600,000, many buried in mass graves.

Secretary of War Elihu Root under President McKinley and Teddy Roosevelt justified the U.S. conduct against the "the cruel and treacherous savages who inhabited the island," citing two precedents as authority: (1) General George Washington's orders to General John Sullivan in 1779 to use "terror" to "destroy" and "lay

waste" the Six Nations of the Iroquois Confederacy; and (2) General William Tecumseh Sherman's request in December 1866 to General Ulysses S. Grant to "act with vindictive earnestness, even to their extermination, men, women, and children" against the Sioux Indians as punishment for their having trapped and defeated an 80-man detachment of the 27th U.S. infantry from Fort Phil Kearny, Nebraska that had defied orders by straying across Lodge Pole Creek as they chased what they believed were panic-stricken warriors. [See Richard Drinnon, *Facing West: The Metaphysics of Indian-Hating and Empire-Building* (Minneapolis: University of Minnesota Press, 1980), p. 329]

Thus was established an official United States policy of murdering civilians and caring little about distinguishing them from combatants. My experience in Viet Nam of learning of mindless bombings of undefended, inhabited fishing villages finally woke me up to this sick reality.

Brian Willson is an activist and essayist with degrees in Sociology, Criminology, and Law who commanded an experimental Air Force combat security ranger-type unit in Viet Nam. His philosophy of sacred interconnectedness with all life is summed up: "We are not worth more, they are not worth less."



Walking down Wall Street I saw a group of construction workers in front of a building with this coffin. They were protesting against the building owner who was hiring a non-union contractor not licensed to remove asbestos. The construction workers claimed these practices kill people and the economy. I inquired what their thoughts were about Bush's deeds and a wonderful dialogue ensued. I suggested that the coffin should have an "ARREST BUSH" sign on it, which I always carry with me for just these types of opportune moments. They hugged me, cheered, and in solidarity asked me to give the sign to them. I took the picture and they kept the sign on the coffin. A couple of them turned out to be veterans.

—Maurizio Morselli

The War Crimes Times provides information on war crimes, war criminals, and on the necessity and means to prosecute war criminals to the general public, to law-makers, and to our justice-seeking allies.

The WCT is published by VFP Chapter 099 (Western North Carolina) and distributed free of charge to readers across the country. Our funding comes from our distributors (VFP chapters and like-minded groups) who pay only for printing and postage costs. But a number of copies are distributed completely gratis. Please consider helping with this cost. Send a check (with memo "WCT") to:

Contact: editor@WarCrimesTime.org
WCT Editorial Team: Kim Carlyle, Mike Ferner,
Clare Hanrahan, Stack Kenny, and Tarak Kauff

Veterans For Peace Chapter 099
PO Box 356
Mars Hill, NC 28754

Obama, Pakistan and the Rule of Law

by Peter Dyer

In the first hour of his administration President Barack Obama affirmed his dedication to the rule of law:

“Our Founding Fathers, faced with perils that we can scarcely imagine, drafted a charter to assure the rule of law and the rights of man—a charter expanded by the blood of generations. Those ideals still light the world, and we will not give them up for expedience sake.”

In his first full day in office President Obama said: “Transparency and the rule of law will be the touchstones of this administration.”

The remarkable campaign and inspiring oratory of the first African-American to be elected to the planet’s most powerful public office sparked worldwide optimism and hope for new and creative approaches to serious national and international challenges.

Two days later, on Jan. 23, the CIA launched two missile attacks on Pakistan. Fifteen people in Waziristan, in Pakistan’s Northwest Frontier Province, were killed by Hellfire missiles launched from unmanned drones. The attacks were the latest in a series that began several years earlier and intensified in 2008.

As such, despite the Obama campaign mantra, “Change We Can Believe In,” they represented the President’s commitment to a critical component of the Bush administration’s foreign and military policy: expansion of what George W. Bush dubbed the “Global War On Terror” — from one key theater of the GWOT in Afghanistan across the border into Pakistan.

The attacks are ostensibly aimed at leaders of al-Qaeda who are blamed for the 9/11 terrorist attacks on New York and Washington, and at Taliban militants who slip across the Afghan border to attack U.S., NATO, and Afghan government forces.

Hawkish Address

Candidate Obama outlined his position in a hawkish address at the Woodrow Wilson

Center in Washington on Aug. 1, 2007. He said:

“Al-Qaeda terrorists train, travel, and maintain global communications in this safe haven. The Taliban pursues a hit-and-run strategy, striking in Afghanistan, then skulking across the border to safety. This is the wild frontier of our globalized world. ...

“But let me make this clear. There are terrorists holed up in those mountains who murdered 3,000 Americans. They are plotting to strike again. ... If we have actionable intelligence about high-value terrorist targets and [Pakistan’s leader] won’t act, we will.”

Since the start of the Obama administration about 170 people have been killed inside Pakistan in at least 17 of these attacks. The Pakistan newspaper, *The News*, says the great majority have been civilians. For many, the killings have thrown a shadow over early hopes for new thinking about Bush’s GWOT, which the Obama administration rebranded as the “Overseas Contingency Operation.”

The missile attacks indicate, as well, that President Obama’s perspective on the rule of law may have less in common with the uplifting eloquence of January than with the disdain consistently displayed during the previous eight years by his predecessor in the Oval Office.

Killing people in Pakistan with Hellfire missiles is against the law. The attacks violate the Geneva Conventions, the International Covenant on Political and Civil Rights, the United Nations Charter, UN General Assembly Resolution #3314 and the Nuremberg Charter.

Even when the missiles hit their intended targets in Pakistan, the orders to fire are given from thousands of miles away by CIA officials watching on computer screens in North America. CIA teams sit, in effect, as collective judge, jury, and executioner.

Protocol II, Article 6(2) of the Geneva Conventions says: “No sentence shall be passed and no penalty shall be executed on a person found guilty of an offence except pursuant



Killing people in Pakistan with Hellfire missiles is against the law.

to a conviction pronounced by a court offering the essential guarantees of independence and impartiality.”

Extrajudicial Killings

The 170 or so people who have been killed by Hellfire missiles in Pakistan since Inauguration Day represent 170 extrajudicial killings — outlawed not only by the Geneva Conventions but by the International Covenant on Civil and Political Rights:

Article 6(1): “Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.”

Article 6(2): Sentence of death “can only be carried out pursuant to a final judgment rendered by a competent court.”

Unless the Pakistani government has invited the United States to fire missiles into Pakistan, the attacks violate the United Nations Charter Article 2(4): “All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.”

Perhaps the most far-reaching aspect of the illegality of the drone attacks is that each is an act of aggression.

The United Nations Definition of Aggression, General Assembly Resolution #3314, provides a list of acts defined as aggression, including Article 3(b): “Bombardment by the armed forces of a State against the territory of another State or the use of any weapons by a State against the territory of another State.”

Article 5 makes it clear — aggression is never legal: “No

consideration of whatever nature, whether political, economic, military or otherwise may serve as a justification for aggression.”

This was the position of the Tribunal at the first Nuremberg Trial. At Nuremberg 22 of the most prominent Nazis were tried for war crimes, crimes against peace (aggression), crimes against humanity and conspiracy following World War II.

In the judgment the Tribunal left no doubt as to the enormity of the crime of aggression, labeling it “the supreme international crime differing only from other war crimes in that it contains within itself the accumulated evil of the whole.” Eight German leaders were convicted of aggression at Nuremberg. Five of these received death sentences.

Certainly the scale of American aggression in Pakistan is small compared to that of German aggression in World War II. But how many civilian deaths, destroyed homes and summary executions does it take for the firing of remote-controlled missiles into Pakistan to qualify as a crime?

Creative Alternatives

It’s not as if there is a lack of compelling and creative alternative visions being proposed by smart people with experience in and knowledge of the region.

For example, as recently reported in *The Nation*, Akbar Ahmed, former High Commissioner from Pakistan to the UK emphatically told the Congressional Progressive Caucus on May 5 that the best strategy in Pakistan is to work through tribal organizations and networks. He emphasized aid, education and the certain failure of an

approach that is primarily military:

“The one thing every Pakistani wants for his kids is education.... Within one to three years you will turn that entire region around. The greatest enemies of the Americans will become their allies.”

In the book outlining his vision, *Change We Can Believe In — Barack Obama’s Plan to Renew America’s Promise*, are these words (p. 104): “To seize this moment in our nation’s history, the old solutions will not do. An outdated mind-set which believes we can overcome these challenges by fighting the last war will not make America safe and secure.”

Unfortunately, in its first few months the Obama administration has been fighting the last President’s war. As far as Pakistan is concerned, neither the President’s foreign policy nor his perspective on the rule of law seem to be materially different from those of President Bush. However, President Obama apparently is now “re-evaluating” the missile strikes, in light of their widespread unpopularity in Pakistan and the threat to the survival of Pakistan’s government.

Perhaps now is a good time to look for an approach that is both legal and more effective in the long term than extrajudicial killings of Taliban militants, al-Qaeda extremists, and Pakistani civilians.

Perhaps this is an opportunity for change we can believe in.

Peter Dyer is a freelance journalist who moved with his wife from California to New Zealand in 2004. Reach him at p.dyer@inspire.net.nz. This article first appeared on ConsortiumNews.com.

Children

(Continued from page 1)

Protocol 1 of the 1977 Geneva Convention states "No Party to the conflict shall arrange for the evacuation of children, other than its own nationals, to a foreign country" unless written consent of the parents is obtained.

In a wide-ranging 389-page volume that documents 269 different classes of war crimes perpetrated by the Bush administration, some of them repeated hundreds or thousands of times, Haas systematically exposes the former president's reckless disregard for child welfare.

To begin with, Bush's legal advisors disputed the very definition of "child" as a person under 18 years of age who needs special protection. That's the definition spelled out in the Convention on the Rights of the Child. The U.S. defined "child" as someone age 16 or younger. The U.S. last year told the UN's Committee on the Rights of the Child (CRC) since 2002 it had detained 2,400 children in Iraq and 100 in Afghanistan although other sources state the latter figure was 800. (Irrespective of the number, it is a war crime to detain any person indefinitely, which was the case here.) Also, as of May, 2008, there were 21 children incarcerated in Guantanamo. The CRC has "upbraided the United States for charging minors with war crimes instead of treating underage persons as victims of war," Haas writes.

Contrary to the CRC's Article 9, which states that a captured child shall be allowed to "maintain personal relations and direct contact with both parents on a regular basis," some children were not allowed to write or telephone home for as long as five years.

And where CRC's Article 13 guarantees "The child shall have the right to freedom to... seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print," Haas points out "Most children were held incommunicado at Guantanamo until April, 2003" and that one child, Mohammed Jawad "remains in solitary confinement." Jawad received promises of books to study that



have not been kept, Haas adds.

Other violations of international covenants pertaining to children include:

- The failure to stop mistreatment of children.
- The failure to investigate the abuse of children.
- The failure to prosecute prison personnel allegedly guilty of such abuse.
- The failure to allow parents to visit children.
- The failure to allow children to have legal counsel.
- The failure to provide children with speedy trials.
- The failure to promptly inform children of the crimes against them.
- The failure to allow witnesses to testify in behalf of children.
- The failure to provide children with social programs.

And although CRC Article 31 requires that children have the right "to engage in play and recreational activities appropriate to the age of the child," Haas writes, "There is no record of recreation for the hundreds of children detained at Bagram or at Abu Ghraib."

The CRC's Article 37 requires that "No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment" yet at Abu Ghraib a girl of about 12 was stripped naked and beaten, according to Iraqi journalist Suhaib Badr-Addin al-Baz, who heard her screams. He also witnessed a 15-year-old boy forced to run up and down the prison carrying two heavy cans of water who was beaten whenever he stopped. On yet another occasion, authorities arrested the 16-year-old son of Iraqi General Hamid Zabar and tortured him before presenting him to his

Chomsky: Unexceptional Americans

(Continued from page 1)

all the rescued peoples" of the Philippines (in the words of the platform of Lodge's Republican party)—at least those who survived the murderous onslaught and widespread use of torture and other atrocities that accompanied it. These fortunate souls were left to the mercies of the U.S.-established Philippine constabulary within a newly devised model of colonial domination, relying on security forces trained and equipped for sophisticated modes of surveillance, intimidation, and violence. Similar models would be adopted in many other areas where the U.S. imposed brutal National Guards and other client forces.

The Torture Paradigm

Over the past 60 years, victims worldwide have endured the CIA's "torture paradigm," developed at a cost that reached \$1 billion annually, according to historian Alfred McCoy in his book *A Question of Torture*. He shows how torture methods the CIA developed from the 1950s surfaced with little change in the infamous photos at Iraq's Abu Ghraib prison. There is no hyperbole in the title of Jennifer Harbury's penetrating study of the U.S. torture record: *Truth, Torture, and the American Way*. So it is highly misleading, to say the least, when investigators of the Bush gang's descent into the global sewers lament, "in waging the war against terrorism, America had lost its way."

None of this is to say that Bush-Cheney-Rumsfeld et al. did not introduce important innovations. In ordinary American practice, torture was largely farmed out to subsidiaries, not

carried out by Americans directly in their own government-established torture chambers. As Allan Nairn, who has carried out some of the most revealing and courageous investigations of torture, points out: "What the Obama [ban on torture] ostensibly knocks off is that small percentage of torture now done by Americans while retaining the overwhelming bulk of the system's torture, which is done by foreigners under U.S. patronage. Obama could stop backing foreign forces that torture, but he has chosen not to do so."

Obama did not shut down the practice of torture, Nairn observes, but "merely repositioned it," restoring it to the American norm, a matter of indifference to the victims. "[H]is is a return to the status quo ante," writes Nairn, "the torture regime of Ford through Clinton, which, year by year, often produced more U.S.-backed strapped-down agony than was produced during the Bush/Cheney years."

Obama did not shut down the practice of torture, but merely repositioned it.

Not surprisingly, U.S. aid tends to correlate with a favorable climate for business operations, commonly improved by the murder of labor and peasant organizers and human rights activists and other such actions, yielding a secondary correlation between aid and egregious violation of human rights.

Adopting Bush's Positions

An argument can be made

that implementation of the CIA's "torture paradigm" never violated the 1984 Torture Convention, at least as Washington interpreted it. McCoy points out that the highly sophisticated CIA paradigm developed at enormous cost in the 1950s and 1960s, based on the "KGB's most devastating torture technique," kept primarily to mental torture, not crude physical torture, which was considered less effective in turning people into pliant vegetables.

McCoy writes that the Reagan administration then carefully revised the International Torture Convention "with four detailed diplomatic 'reservations' focused on just one word in the convention's 26-printed pages," the word "mental." He continues: "These intricately-constructed diplomatic reservations re-defined torture, as interpreted by the United States, to exclude sensory deprivation and self-inflicted pain—the very techniques the CIA had refined at such great cost."

When Clinton sent the UN Convention to Congress for ratification in 1994, he included the Reagan reservations. The president and Congress therefore exempted the core of the CIA torture paradigm from the U.S. interpretation of the Torture Convention; and those reservations, McCoy observes, were "reproduced verbatim in domestic legislation enacted to give legal force to the UN Convention." That is the "political land mine" that "detonated with such phenomenal force" in the Abu Ghraib scandal and in the shameful Military Commissions Act that was passed with

(See CHOMSKY on page 10)

father, whom they wanted to confess. These and several hundred other war crimes are detailed in the new book.

Professor Haas has authored or edited 33 books on government and world politics and taught at the University of London and Northwestern University. Reach him at mikehaas@aol.com.

To contribute to the work of Sherwood's Antiwar News Service, email him at sherwoodr1@yahoo.com.



Obama's Guantánamo Appeasement Plan

by Marjorie Cohn

Two days after his inauguration, President Obama pledged to close Guantánamo within one year. The Republicans, led by Senators John McCain, Mitch McConnell and Pat Roberts, immediately launched a concerted campaign to assail the new president. They claimed his plan would release dangerous terrorists into U.S. communities and allow released terrorists to resume fighting against our troops. Fox News agitator Sean Hannity and Bush team players like torture-memo lawyer John Yoo filled the airwaves and print media with paranoia.

The Republican attacks were bogus. A 2008 McClatchy investigation revealed that the overwhelming majority of Guantánamo detainees taken into custody in 2001 and 2002 in Afghanistan and Pakistan were innocent of wrongdoing or bit players with little intelligence value. A substantial number of those prisoners were literally sold to U.S. officials in exchange for bounty payments offered by the U.S. military. A Seton Hall Law Center report has debunked Pentagon claims that many released detainees have "returned to the fight." And no one has ever escaped from one of the U.S. super-max prisons, which house hundreds of people convicted of terrorist offenses.

The Republicans have continued to oppose the effort to close Guantánamo. In an attempt to burnish his image and forestall war crimes charges, Dick Cheney now leads the charge, making ubiquitous attacks on Obama. Keeping Guantánamo open is "important," Cheney declares. He claims that closing Guantánamo would endanger Americans, and warns that if

detainees are brought to the United States, they would "acquire all kinds of legal rights." Obama is also taking heat from the intelligence community. Those officials, like Cheney, seek to justify what they did under the Bush regime.

And now even the Democrats are piling on the bandwagon. Reacting defensively to the Republican attack campaign, the Senate voted 90 to 6

The overwhelming majority of Guantánamo detainees taken in Afghanistan and Pakistan in 2001 and 2002 were innocent or were bit players with little intelligence value.

to deny Obama funds to close Guantánamo until he comes up with a "plan" for relocating the detainees there. "We spent hundreds of millions of dollars building an appropriate facility with all security precautions on Guantánamo to try these cases," said Democratic Senator Jim Webb on ABC News. "I do not believe they should be tried in the United States," he added.

The pressure has caused Obama to buckle. Timed to coincide with a Cheney speech to the right-wing American Enterprise Institute, Obama announced an appeasement plan to deal with the 240 remaining Guantánamo detainees. Parts of his plan would threaten the very foundation of our legal system – that no one should be held in custody if he has committed no crime. These are Obama's five categories for disposition of detainees once Guantánamo is closed:

1) Those who violated the laws of war will be tried in military commissions.

Obama's plan would backtrack on an early promise to shut down the military commissions. Obama now claims that such commissions can be fair because they will no longer permit the use of evidence obtained by cruel, inhuman or degrading interrogation methods. He fails to mention, however, that the Pentagon is using "clean teams" to re-interrogate people who were previously interrogated using the prohibited methods. When they once again give the same information, it miraculously becomes untainted. Obama also fails to acknowledge that those tried in the military commissions are forbidden from seeing all the evidence against them, a violation of the bedrock principle that the accused must have an opportunity to confront his accusers.

Even the U.S. Supreme Court has disagreed with this part of Obama's proposed plan of action. In *Ex parte Milligan*, the Supreme Court declared military trials of civilians to be unconstitutional if civil courts are available.

Prisoners falling in this category should be tried in the courts of the United States, because the laws of war are actually part of U.S. law. The Supremacy Clause of the Constitution says that treaties shall be the supreme law of the land. The Geneva Conventions and the Hague Convention, which the United States has ratified, contain the laws of war.

2) Those who have been ordered released from Guantánamo will remain in custody.

Seventeen Uighurs from China were ordered released after they were found not to be enemy combatants. But they continue to languish in custody because they would be imperiled if returned to China, which considers them enemies of the state. Suggestions that they be brought to the United States have been met with paranoid NIMBY (not in my backyard!) protestations. So, under Obama's plan they will remain incarcerated in a state of legal limbo.

3) Those who cannot be prosecuted yet "pose a clear danger to the American people" will remain in custody with no right to legal process of any kind.

These are people who have never been charged with a crime. Obama did not say why they cannot be prosecuted. Secretary of Defense Robert Gates claims as many as 100 people may fall into this category. Included in this group are those who have "expressed their allegiance to Osama bin Laden." They will suffer "prolonged detention."

Obama's plan for "prolonged detention" is nothing more than a newly-coined phrase for "preventive detention," a policy that harks back to the bad old days of the Alien and Sedition Acts of 1798 and the internment of people of Japanese extraction in the 1940's. If Obama succeeds in convincing Congress to legalize "prolonged detention," the United States will continue to be a pariah state among justice-loving nations. The U.S. Con-



gress, still rendered catatonic by post-9/11 rhetoric, will probably capitulate along with Obama.

Parts of Obama's plan would threaten the very foundation of our legal system.

Michael Ratner, president of the Center for Constitutional Rights, noted that Obama's new system of preventive detention will just "move Guantánamo to a new location and give it a new name."

4) Those who can be safely transferred to other countries will be transferred.

Obama noted that 50 men fall into this category. It is unclear what will happen to them when they reach their destinations.

5) Those who violated U.S. criminal laws will be tried in federal courts.

Obama cited the examples of Ramzi Yousef, who tried to blow up the World Trade Center, and Zacarias Moussaoui, who was identified as the 20th 9/11

hijacker. Both were tried and convicted in U.S. courts and both are serving life sentences. This is the only clearly acceptable part of Obama's plan. All detainees slated to remain in custody should be placed into this category. The federal courts provide due process as required by the Fifth Amendment to the Constitution, which does not limit due process rights to U.S. citizens: "No person . . . shall be deprived of life, liberty, or property without due process of law."

The federal courts are well suited to deal with accused terrorists. Indeed, federal judges who have presided over such cases say that the Classified Information Procedures Act can effectively protect classified intelligence in federal court trials.

If Mr. Obama proceeds with the plan he announced this week he will empower those who point to U.S. hypocrisy on human rights as a justification to do us harm. Obama's capitulation to the intelligence gurus and the right-wing attack dogs will not only imperil the rule of law; it will actually make us more vulnerable to future acts of terrorism.

Marjorie Cohn is a professor at Thomas Jefferson School of Law and president of the National Lawyers Guild. She is the author of Cowboy Republic: Six Ways the Bush Gang Has Defied the War and co-author of the new book, Rules of Disengagement: The Politics and Honor of Military Dissent. Her articles are archived at www.marjoriecohn.com.



Gen. Taguba: Accountability for torture does not stop at White House door

by Andrew Kalloch

Major General Antonio Taguba called for an independent commission to investigate war crimes committed by senior members of the Bush Administration in remarks in Ames Courtroom on Tuesday, April 14. The event was sponsored by Physicians for Human Rights and the Human Rights Program at Harvard Law School.

Taguba, who was pressured to resign by the Bush Administration in 2007 following the 2004 leak of his report detailing abuses by U.S. armed forces in Abu Ghraib prison in Iraq, declared in the preface of the 2008 Physicians for Human Rights publication "Broken Laws, Broken Lives," that, "there is no longer any doubt as to whether the [Bush] administration has committed war crimes. The only question that remains to be answered is whether those who ordered the use of torture will be held to account."

While the Obama Administration has "reaffirmed its commitment to valuing human rights and international law" by officially closing CIA black sites and the detention center at Guantanamo Bay, Taguba insisted that "there are a lot of stories that have yet to be told."

In an effort to make those stories known, Taguba has been traveling the country seeking to foster dialogue

between human rights advocates and the nation's armed forces. According to Taguba, the two groups "share a common denominator based on ethical considerations of democratic principles." Human

"...there is no longer any doubt as to whether the [Bush] administration has committed war crimes. The only question that remains to be answered is whether those who ordered the use of torture will be held to account."

rights advocates seek to ensure the preservation of democratic ideals and U.S. armed forces are trained to "provide services in a manner that exemplifies America's ideals." Taguba added that the military's mission is to protect America's value system and its way of life, not simply to secure its borders at all costs.

Taguba explained that the Army's core values—honor, integrity, courage, and selfless service—are but one part of a broader set of moral foundations upon which the Army operates. For example, Taguba declared that the Army is required to adhere to international laws, including all four Geneva conventions, as well as the Uniform Code of Military Justice, and to demonstrate "responsibility, accountability, and discipline."

Even when soldiers are not in combat, and are instead serving the American public and the many peoples of the world abroad via merchant

shipping protection and humanitarian aid, they are obliged, Taguba stated, to abide by this strict moral code. Despite the horrors of combat, Taguba stated unequivocally that troops "are not immune or exempt from criminal acts, bad behavior, or tragedy in their operations."

Just as troops are not immune from prosecution—indeed, they must be held accountable for their actions—so must senior civilian officials be held accountable for policies that systematized and legitimized torture and other abuses of power by

These failures have emboldened America's enemies leading to greater numbers of American deaths in Iraq.

U.S. troops in the War on Terror, Taguba stated. If the "torture memos" penned by John Yoo, Alberto Gonzales, and David Addington, among others, were catalysts for the soldiers to engage in criminal acts, as Taguba surmised, these officials need to be held accountable.

"Abu Ghraib emerged from a structure developed by senior officials in the Bush White House and by those who thought it was necessary to blindly advance the Bush administration's goals," the General declared. "Abu Ghraib was not just happenstance. It was a morbid consequence of a policy that emanated from the Office of Legal Counsel and the Justice Department."

According to Taguba, these failures not only constitute war crimes, but also have emboldened America's enemies abroad, leading to greater



numbers of American deaths in Iraq.

However, far from being held accountable, senior administration officials have quietly ridden off into the sunset. Indeed,

Ultimately, investigation of the Bush Administration is needed if "accountability is not to be just a hollow term."

after seventeen high level investigations, army soldiers were singled out for punishment despite presence of evidence regarding upper level officials' awareness and support. "Over 200 soldiers and officers were punished. Unfortunately no civilian officials or contractors have been punished for their involvement," Taguba stated.

Taguba singled out John Yoo, who, as a member of the Office of Legal Counsel, co-authored legal memoranda that produced, in Taguba's words, "despicable torture and abuse." Yoo has not expressed remorse for

the memos," Taguba insisted. Rather, Yoo has only stated that he would have spent more time on legal research had he known the memos would become public.

Responding to those who oppose investigation and prosecution of senior officials in the Bush Administration whose "actions were supposedly made in good conscience in effort to secure national security," Taguba answered,

"What about those soldiers punished, court-martialed, and reduced in rank?"

Ultimately, investigation of the Bush Administration is needed if "accountability is not to be just a hollow term," Taguba concluded, "In my opinion accountability is a condition of employment. Government leaders who chose to accept high level positions of influence ought to hold firm and be accountable."

Andrew L. Kalloch, Harvard Law School Class of 2009, is editor-in-chief of the Harvard Law Record, where this article first appeared.



A new administration and the same old war, and expansion of the war in Afghanistan. We cannot afford these wars spiritually. They are wars of aggression, and they're based on lies. We cannot afford these wars financially. They add trillions to our national debt and destroy our domestic agenda. We cannot afford the human cost of these wars, the loss of lives of our beloved troops and the deaths of innocent civilians in Iraq, Afghanistan and Pakistan.

—Rep. Dennis Kucinich, speaking on the House floor, June 2009

Hold Your Applause

by Chris Hedges

Did they play Barack Obama's speech to the Muslim world in the prison corridors of Abu Ghraib, Bagram air base, Guantanamo or the dozens of secret sites where we hold thousands of Muslims around the world? Did it echo off the walls of the crowded morgues filled with the mutilated bodies of the Muslim dead in Baghdad or Kabul? Was it broadcast from the tops of minarets in the villages and towns decimated by U.S. iron fragmentation bombs? Was it heard in the squalid refugee camps of Gaza, where 1.5 million Palestinians live in the world's largest ghetto?

What do words of peace and cooperation mean from us when we torture—yes, we still torture—only Muslims?

What do these words mean when we sanction Israel's brutal air assaults on Lebanon and Gaza, assaults that demolished thousands of homes and left hundreds dead and injured? How does it look for Obama to call for democracy and human rights from Egypt, where we lavishly fund and support the despotic regime of Hosni Mubarak, one of the longest-reigning dictators in the Middle East?

We may thrill to Obama's rhetoric, but very few of the 1.3 billion Muslims in the world are as deluded. They grasp that nothing so far has changed for Muslims in the Middle East under the Obama administration. The wars of occupation go on or have been expanded. Israel continues to flout international law, gobbling up more Palestinian land and carrying out egregious war crimes in Gaza. Calcified, repressive regimes in countries such as Egypt and Saudi Arabia are feted in Washington as allies.

The speech at Cairo University, which usually has trucks filled with riot police outside the university gates and a heavy security presence on campus to control the student body, is an example of the facade. Student political groups, as everyone who joined in the standing ovation for the president knew, are prohibited. Faculty deans are chosen by the administration, rather than elected by professors, "as a way to combat Islamist influence on campus," according to the U.S. State Department's latest human rights report. And, as the *Washington Post* pointed out, students who use the Internet "as an outlet for their political or social views are on notice: One Cairo University student blogger was jailed for two

We may thrill to Obama's rhetoric, but very few of the 1.3 billion Muslims in the world are as deluded.

months last summer for 'public agitation,' and another was kicked out of university housing for criticizing the government."

The expanding imperial projects and tightening screws of repression lurch forward under Obama. We are not trying to end terror or promote democracy. We are ensuring that our corporate state has a steady supply of the cheap oil to which it is addicted. And the scarcer oil becomes, the more aggressive we become. This is the game playing out in the Muslim world.

The Bush White House openly tortured. The Obama White House tortures and pretends not to. Obama may have banned waterboarding, but as Luke Mitchell points out in the July issue of Harper's magazine, torture, including isolation, sleep and sensory



deprivation and force-feeding, continues to be used to break detainees. The president has promised to close Guantanamo, where only 1 percent of the prisoners held offshore by the United States are kept. And the Obama administration has sought to obscure the fate and condition of thousands of Muslims held in black holes around the globe. As Mitchell notes, the Obama White House "has sought to prevent detainees at Bagram prison in Afghanistan from gaining access to courts where they may

Muslim nations, make possible the illegal Israeli occupation of Palestine, support repressive Arab regimes and torture thousands of Muslims in offshore penal colonies where prisoners are stripped of their rights. We now have 22 times as many military personnel in the Muslim world as were deployed during the crusades in the 12th century. The rage comes because we have constructed massive military bases, some the size of small cities, in Iraq, Afghanistan, Saudi Arabia, Turkey and Kuwait, and estab-

interested not in our protestations of good will but in the elemental right of justice and freedom from foreign occupation. We would react, should the situation be reversed, no differently.

The brutal reality of expanding foreign occupation and harsher and harsher forms of control are the tinder of Islamic fundamentalism, insurgences and terrorism. We can blame the violence on a clash of civilizations. We can naively tell ourselves we are envied for our freedoms. We can point to the Koran. But these are fantasies that divert us from facing the central dispute between us and the Muslim world, from facing our own responsibility for the virus of chaos and violence spreading throughout the Middle East. We can have peace when we shut down our bases, stay the hand of the Israelis to create a Palestinian state, and go home, or we can have long, costly and ultimately futile regional war. We cannot have both.

Obama, whose embrace of American imperialism is as naive and destructive as that of George W. Bush, is the newest brand used to peddle the poison of permanent war. We may not see it. But those who bury the dead do.

Chris Hedges is a senior fellow at The Nation Institute and a Lecturer in the Council of the Humanities and the Anschutz Distinguished Fellow at Princeton University. This article first appeared at Truthdig.com.

The Bush White House openly tortured. The Obama White House tortures and pretends not to.

reveal the circumstances of their imprisonment. It has sought to continue the practice of rendering prisoners to unknown and unknowable locations outside the United States, and sought to keep secret many (though not all) of the records regarding our treatment of those detainees."

Muslim rage is stoked because we station tens of thousands of American troops on Muslim soil, occupy two

lished basing rights in the Gulf states of Bahrain, Qatar, Oman and the United Arab Emirates. The rage comes because we have expanded our military empire into neighboring Uzbekistan, Pakistan, Kyrgyzstan and Tajikistan. It comes because we station troops and special forces in Egypt, Algeria and Yemen. And this vast network of bases and military outposts looks suspiciously permanent.

The Muslim world fears, correctly, that we intend to dominate Middle East oil supplies and any Caspian Sea oil infrastructure. And it is

Peace cannot be kept by force. It can only be achieved by understanding.
—Albert Einstein

Words Must Mean *Something*

A Veteran For Peace Writes President Obama

by Grant E. Remington



"Rules must be binding. Violations must be punished. Words must mean something."

These were the words of President Obama as delivered in Prague on April 5th. The context was in relation to the Nuclear Non-Proliferation Treaty and the need to reduce the number of nuclear weapons and the dangers of the spread of nuclear weapons. But in a larger context they must apply to all laws and treaties.

Mr. President, "Words must mean something."

On January 20th, you spoke these words; *"I do solemnly swear that I will faithfully execute the Office of President of the United States, and will to the best of my ability, preserve, protect, and defend the Constitution of the United States."*

When I enlisted in the U.S. Army in 1967, I took a similar oath to *"... support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same..."* Those obligations lead me to the war in Vietnam.

Unfortunately for me I actually believed our leaders at the time. I was ignorant of the facts of the history of that nation and our support of Ho Chi Minh during WWII and our subsequent abandonment of the ideals of self-determination and the cancellation of the elections of 1956. The Gulf of Tonkin Resolution was just another in a long list of deceptions and lies the government fed us to justify our involvement in that war. I can at least look back with pride that one of the two Senators who voted against that resolution was my own Senator Wayne Morse. There was a man!

Since September 12th, 2001, the Bush administration fed the American

people a plethora of lies that led us down the road of ruin. There is no need to list them all because they are well known and documented. Unfortunately for the American people, the lies of the Bush administration were aided and abetted by media and the glorious worship of war that permeates our society.

War, the false god worshipped by warmongers and poll watchers; the false god worshipped by the media whores who wish to be bathed in its reflected glow; the false god worshipped by those who have never seen, heard, smelled, or touched the obscenity of the violence they glorify. These wars we were lied into are covered with the stench of malfeasance, hubris, greed, incompetence, and dishonor. As James Madison wrote in 1795:

Of all the enemies to public liberty war is, perhaps, the most to be dreaded because it comprises and develops the germ of every other. War is the parent of armies; from these proceed debts and taxes. And armies, and debts, and taxes are the known instruments for bringing the many under the domination of the few. In war, too, the discretionary power of the Executive [Branch of Government] is extended. Its influence in dealing out offices, honors, and emolu-

ments is multiplied; and all the means of seducing the minds are added to those of subduing the force of the people. The same malignant aspect in republicanism may be traced in the inequality of fortunes, and the opportunities of fraud, growing out of a state of war, and in the degeneracy of manners and morals engendered by both. No nation could preserve its freedom in the midst of continual warfare.

"...and in the degeneracy of manners and morals..."

These wars have reduced us to the level of the brutality practiced by despots and dictators throughout the ages—brutality we have condemned and outlawed in international treaties we helped draft and signed. The brutality of torture. The evidence that the United States of America has engaged in torture is overwhelming. I know it, you know it, and the world knows it. The recent release of the report by the International Committee of the Red Cross on the torture of prisoners held by the CIA has documented the treatment of the CIA's 14 high value detainees and concluded that it was torture.

Torture does not produce actionable intelligence. Every professional interrogator knows this. It is only the ignorant, vengeful sadists who populated the last administration who believe torture is a viable source of information. The television series "24" is not the manual for interrogators. Proper interrogation has rules and laws that have been proven to get results. Hiding behind euphemisms like "enhanced interrogation techniques," only shows that the participants in these crimes knew torture was a crime.

In 1901, a U.S. Army major was

court-martialed and sentenced to 10 years of hard labor for water boarding an insurgent in the Philippines. 1947, the U.S. charged a Japanese officer, Yukio Asano, with war crimes for waterboarding a U.S. civilian. Asano was sentenced to 15 years of hard labor. In 1968 a photo appeared in the *Washington Post* of U.S. soldier waterboarding a North Vietnamese soldier. The Army court-martialed the soldier within one month after the picture appeared. Waterboarding is a war crime. History and the law have proven it. If we can court-martial an Army major and a lowly grunt and convict a Japanese officer for waterboarding, why is it that the officials of the Bush administration have not been investigated and charged?

Article VI of the Constitution instructs us that:

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; **and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land;** and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Supreme Court has ruled that treaties are indeed the "Supreme Law of the Land." We cannot pick and choose which laws to enforce when they are defined by the Constitution and not just laws passed by legislation. Laws passed by legislation are subject to review by the Supreme Court as they should be, because so many of them are passed for political purposes and should never have passed through committee. Treaties, once ratified and signed by the President, are binding. They are by definition constitutional.

(Continued on next page)

Grant E. Remington is president of Veterans For Peace Chapter 72. He served in the U.S. Army 1967-70 (Vietnam service 1968-69, 334th AHC. Bien Hoa RVN) and is a director of the Peace Memorial Park Foundation of Portland, Oregon. When not engaged in his duties as president of VFP 72, Grant plays guitar with his band, Loose Change, and helps maintain the Peace Memorial Park (www.peacememorialpark.org).



This brings to mind Article 4 of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment which states:

Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture.

Each State Party shall make these offences punishable by appropriate penalties which take into account their grave nature.

Furthermore, the War Crimes Act (118 U.S.C. § 2441) lists as a violation and thus a "war crime":

Torture—The act of a person who commits, or conspires or attempts to commit, an act specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control for the purpose of obtaining information or a confession, punishment, intimidation, coercion, or any reason based on discrimination of any kind.

War crimes have been committed according to The War Crimes Act. Former Vice President Richard Cheney has admitted on national television that he "...was aware of the program, certainly, and involved in helping get the process cleared." When asked if waterboarding was appropriate, he stated, "I do." Waterboarding is torture, no *if's*, *and's*, or *but's*.



I was aware of the program, certainly, and involved in helping get the process cleared...

—Former Vice-president Richard B. Cheney

Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

PART I

Article 1

1. For the purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

2. This article is without prejudice to any international instrument or national legislation which does or may contain provisions of wider application.

Article 2

1. Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.

2. No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or

any other public emergency, may be invoked as a justification of torture.

3. An order from a superior officer or a public authority may not be invoked as a justification of torture.

Article 3

1. No State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.

2. For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.

Article 4

1. Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture.

2. Each State Party shall make these offences punishable by appropriate penalties which take into account their grave nature.

On October 4th, 2007 you stated:

"The secret authorization of brutal interrogations is an outrageous betrayal of our core values, and a grave danger to our security. We must do whatever it takes to track down and capture or kill terrorists, but torture is not a part of the answer—it is a fundamental part of the problem with this administration's approach. Torture is how you create enemies, not how you defeat them. Torture is how you get bad information, not good intelligence. Torture is how you set back America's standing in the world, not how you strengthen it. It's

time to tell the world that America rejects torture without exception or equivocation. It's time to stop telling the American people one thing in public while doing something else in the shadows. No more secret authorization of methods like simulated drowning. When I am president America will once again be the country that stands up to these deplorable tactics. **When I am president we won't work in secret to avoid honoring our laws and Constitution, we will be straight with the American people and true to our values.**"

You have a duty to stand up and uphold your oath of office and your words. You must hold the ex-President and other members of his administration responsible for the violation of their oath of office, violations of treaties and the War Crimes Act. To do otherwise, you will have failed in your duty as an elected representative of the people of the United States. You are honor bound by your oath.

"Rules must be binding. Violations must be punished. Words must mean something."

It's time to tell the world that America rejects torture without exception or equivocation. It's time to stop telling the American people one thing in public while doing something else in the shadows.

—President Barack Obama



He who is not angry when there is just cause for anger is immoral. Why? Because anger looks to the good of justice. And if you can live amid injustice without anger, you are immoral as well as unjust.

—Aquinas



Chomsky

(Continued from page 4)

bipartisan support in 2006.

Bush, of course, went beyond his predecessors in authorizing prima facie violations of international law, and several of his extremist innovations were struck down by the Courts. While Obama, like Bush, eloquently affirms our unwavering commitment to international law, he seems intent on substantially reinstating the extremist Bush measures. In the important case of *Boumediene v. Bush* in June 2008, the Supreme Court rejected as unconstitutional the Bush administration claim that prisoners in Guantanamo are not entitled to the right of habeas corpus.

Salon.com columnist Glenn Greenwald reviews the aftermath. Seeking to "preserve the power to abduct people from around the world" and imprison them without due process, the Bush administration decided to ship them to the U.S. prison at Bagram Air Base in Afghanistan, treating "the Boumediene ruling, grounded in our most basic constitutional guarantees, as though it was some sort of a silly game—fly your abducted prisoners to Guantanamo and they have constitutional rights, but fly them instead to Bagram and you can disappear them forever with no judicial process."

Obama adopted the Bush position, "filing a brief in federal court that, in two sentences, declared that it embraced the most extremist Bush theory on this issue," arguing that prisoners flown to Bagram from anywhere in the world (in the case in question, Yemenis and Tunisians captured in Thailand and the United Arab Emirates) "can be imprisoned indefinitely with no rights of any kind—as long as they are kept in Bagram rather than Guantanamo."

In March, however, a Bush-appointed federal judge "rejected the Bush/Obama position and held that the rationale of *Boumediene* applies every bit as much to Bagram as it does to Guantanamo." The Obama administration announced that it would appeal the ruling, thus placing Obama's Department of Justice, Greenwald concludes,

"squarely to the Right of an extremely conservative, pro-executive-power, Bush-appointed judge on issues of executive power and due-process-less detentions," in radical violation of Obama's campaign promises and earlier stands.

The case of *Rasul v. Rumsfeld* appears to be following a similar trajectory. The plaintiffs charged that Rumsfeld and other high officials were responsible for their torture in Guantanamo, where they were sent after being captured by Uzbeki warlord Rashid Dostum. The plaintiffs claimed that they had traveled to Afghanistan to offer humanitarian relief. Dostum, a notorious thug, was then a leader of the Northern Alliance, the Afghan faction supported by Russia, Iran, India, Turkey, and the Central Asian states, and the U.S. as it attacked Afghanistan in October 2001. Dostum turned them over to U.S. custody, allegedly for bounty money. The Bush administration sought to have the case dismissed. Recently, Obama's Department of Justice filed a brief supporting the Bush position that government officials are not liable for torture and other violations of due process, on the grounds that the Courts had not yet clearly established the rights that prisoners enjoy.

It is also reported that the Obama administration intends to revive military commissions, one of the more severe violations of the rule of law during the Bush years. There is a reason, according to William Glaberson of the *New York Times*: "Officials who work on the Guantanamo issue say administration lawyers have become concerned that they would face significant obstacles to trying some terrorism suspects in federal courts.

Judges might make it difficult to prosecute detainees who were subjected to brutal treatment or for prosecutors to use hearsay evidence gathered by intelligence agencies." A serious flaw in the criminal justice system, it appears.

Creating Terrorists

There is still much debate about whether torture has been effective in eliciting informa-

(See CHOMSKY on page 11)

Dear President Obama, We are writing to you as military service veterans

to urge that you release all of the new photos depicting torture and abuse inside U.S. prisons operated in Iraq, Afghanistan, Cuba, and other locations.

We appreciate the fact the pictures are especially inflammatory, as were the previously released photos that have been used as recruiting tools by people and organizations who would harm our people and our service members.

However, Iraqis themselves, as indicated in the following quote in a McClatchy News article from May 15, 2009, understand that it is the misguided U.S. foreign policy of starting pre-emptive and unilateral wars based in misleading information, and then occupying other nations is what will continue to cause more violent attacks upon our service members.

"Harith al Obaidi, the head of the largest Sunni Muslim bloc in Iraq's parliament and the deputy chairman of the Committee on Human Rights, stated 'The people who want to express their opinions through violence are already trying their best to do so,' Obaidi said. 'Showing them a few pictures wouldn't make them any more able to do it.' Keeping the pictures secret will only bolster suspicions that the American government is trying to suppress evidence of more widespread abuse, he said."

Mr. President, we veterans call upon you to release the pictures and documents related

to torture and abuse of enemy prisoners of war (formerly and improperly called "enemy combatants" and "terrorists" by the prior administration).

We also implore you to consider the interests of the people

Keeping the pictures secret will only bolster suspicions that the American government is trying to suppress evidence of more widespread abuse.

in other nations subjected to torture, abuse, and more than six years of war—the very conditions that cause people to resist the U.S. occupation.

The people of Iraq and Afghanistan need assistance to rebuild their countries. The civilians have seen their loved ones literally torn to pieces by bombs and burned in explosions. More than half the wounded are children who will live the rest of their lives with injuries, amputations and pain. Virtually every family in Iraq has had someone killed or wounded in this war. People in every city and village have listened to first-hand accounts of the terrible conditions in the prisons run by our military.

In addition to the extraordinarily high dangers related to combat, our service members face unimaginable psychological traumas due to the Iraq and Afghanistan wars. Therefore, we urge you to prepare for the mental and emotional effects of anxiety, depression, and post traumatic stress disorder among our service members who witnessed or participated in torture and abuse of prisoners under orders of the previous administration. We ask you to increase the number of mental healthcare workers

within the military and the Department of Veterans Affairs so that service members and veterans impacted by these pictures can receive prompt and high-quality care.

Finally, Mr. President, the torture photos and documents are already being leaked. It makes much more sense to release the photos promptly. Americans can handle the truth when the government levels with us. You promised us transparency, and we expect you to deliver. Knowing the truth and demanding justice for the perpetrators of torture—from the top down—is

It is imperative that the people of our nation look squarely into the heart of darkness to know what was done in our name.

the best way to make sure this behavior is not repeated again.

It is imperative that the people of our nation look squarely into the heart of darkness to know what was done in our name under orders from the prior administration. It is impossible to be the country we claim to be if we do not face this controversy head on and reveal our mistakes. The release of all the photos and documents are essential to this process of learning the facts and healing a deeply troubled nation. All of the relevant information should also be given immediately to a special prosecutor to investigate and hold accountable those who would order torture, abuse, and rendition—all of which are very serious war crimes.

We want to work with you in the best interests of service members, our veterans, and our foreign policy. We await your reply.

Most Sincerely,

Iraq Veterans Against the War
Veterans For Peace
Veterans for Common Sense



IRAQ VETERANS AGAINST THE WAR

VETERANS
FOR COMMON
SENSE

www.VeteransForCommonSense.org

Chomsky

(Continued from page 10)

tion—the assumption being, apparently, that if it is effective, then it may be justified. By the same argument, when Nicaragua captured U.S. pilot Eugene Hasenfuss in 1986, after shooting down his plane delivering aid to U.S.-supported Contra forces, they should not have tried him, found him guilty, and then sent him back to the U.S., as they did. Instead, they should have applied the CIA torture paradigm to try to extract information about other terrorist atrocities being planned and implemented in Washington, no small matter for a tiny, impoverished country under terrorist attack by the global superpower.

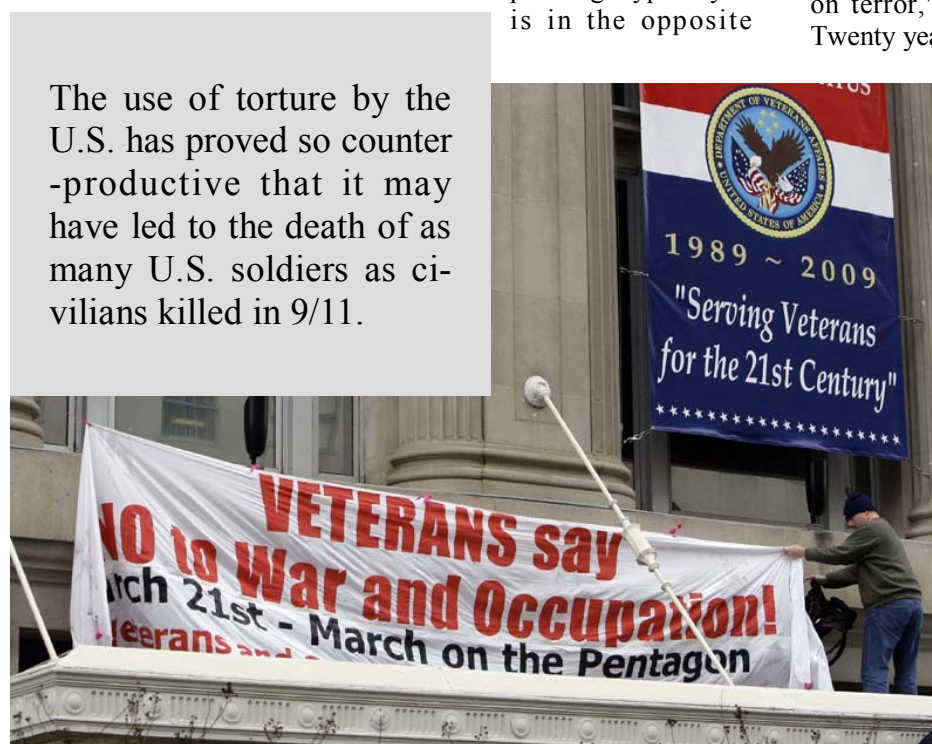
By the same standards, if the Nicaraguans had been able to capture the chief terrorism coordinator, John Negroponte, then U.S. ambassador in Honduras (later appointed as the first Director of National Intelligence, essentially counterterrorism czar, without eliciting a murmur), they should have done the same. Cuba would have been justified in acting similarly, had the Castro government been able to lay hands on the Kennedy brothers. There is no need to bring up what their victims should have done to Henry Kissinger, Ronald Reagan, and other leading terrorist commanders, whose exploits leave al-Qaeda in the dust, and who doubtless had ample information that could have prevented further "ticking bomb" attacks.

Such considerations never seem to arise in public discussion. There is, to be sure, a response: our terrorism, even if surely terrorism, is benign, deriving as it does from the city on the hill. Perhaps culpability would be greater, by prevailing moral standards, if it were discovered that Bush administration torture had cost American lives. That is, in fact, the conclusion drawn by Major Matthew Alexander [a pseudonym], one of the most seasoned U.S. interrogators in Iraq, who elicited "the information that led to the U.S. military being able to locate Abu Musab al-Zarqawi, the head of al-Qa'ida in Iraq," correspondent Patrick Cockburn reports.

Alexander expresses only

contempt for the Bush administration's harsh interrogation methods: "The use of torture by the U.S.," he believes, not only elicits no useful information but "has proved so counter-productive that it may have led to the death of as many U.S. soldiers as civilians killed in 9/11." From hundreds of interrogations, Alexander discovered that foreign fighters came to Iraq in reaction to the abuses at Guantanamo and Abu Ghraib, and that they and their domestic allies turned to suicide bombing and other terrorist acts for the same reasons.

The use of torture by the U.S. has proved so counter-productive that it may have led to the death of as many U.S. soldiers as civilians killed in 9/11.



There is also mounting evidence that the torture methods Dick Cheney and Donald Rumsfeld encouraged created terrorists. One carefully studied case is that of Abdallah al-Ajmi, who was locked up in Guantanamo on the charge of "engaging in two or three fire fights with the Northern Alliance." He ended up in Afghanistan after having failed to reach Chechnya to fight against the Russians.

After four years of brutal treatment in Guantanamo, he was returned to Kuwait. He later found his way to Iraq and, in March 2008, drove a bomb-laden truck into an Iraqi military compound, killing himself and 13 soldiers—"the single most heinous act of violence committed by a former Guantanamo detainee," according to the *Washington Post*, and according to his lawyer, the direct result of his abusive imprisonment. All

much as a reasonable person would expect.

Unexceptional Americans

Another standard pretext for torture is the context: the "war on terror" that Bush declared after 9/11. A crime that rendered traditional international law "quaint" and "obsolete"—so George W. Bush was advised by his legal counsel Alberto Gonzales, later appointed Attorney General. The doctrine has been widely reiterated in one form or another in commentary and analysis.

The 9/11 attack was doubtless unique in many respects. One is where the guns were pointing: typically it is in the opposite

far worse than September 11, 2001. And it happened in Salvador Allende's Chile in what Latin Americans often call "the first 9/11" in 1973. (The numbers above were changed to per-capita U.S. equivalents, a realistic way of measuring crimes.) Responsibility for the military coup against Allende can be traced straight back to Washington. Accordingly, the otherwise quite appropriate analogy is out of consciousness here in the U.S., while the facts are consigned to the "abuse of reality" that the naive call "history."

It should also be recalled that Bush did not declare the "war on terror," he re-declared it. Twenty years earlier, President

Reagan's administration came into office declaring that a centerpiece of its foreign policy would be a war on terror, "the plague of the modern age" and "a return to barbarism in our time"—to sample the fevered rhetoric of the day.

That first U.S. war on terror has also been deleted from historical consciousness, because the out-

come cannot readily be incorporated into the canon: hundreds of thousands slaughtered in the ruined countries of Central America and many more elsewhere, among them an estimated 1.5 million dead in the terrorist wars sponsored in neighboring countries by Reagan's favored ally, apartheid South Africa, which had to defend itself from Nelson Mandela's African National Congress (ANC), one of the world's "more notorious terrorist groups," as Washington determined in 1988. In fairness, it should be added that, 20 years later, Congress voted to remove the ANC from the list of terrorist organizations, so that Mandela is now, at last, able to enter the U.S. without obtaining a waiver from the government.

The reigning doctrine of the country is sometimes called "American exceptionalism." It is nothing of the sort. It is

probably close to a universal habit among imperial powers. France was hailing its "civilizing mission" in its colonies, while the French Minister of War called for "exterminating the indigenous population" of Algeria. Britain's nobility was a "novelty in the world," John Stuart Mill declared, while urging that this angelic power delay no longer in completing its liberation of India. Similarly, there is no reason to doubt the sincerity of Japanese militarists in the 1930s, who were bringing an "earthly paradise" to China under benign Japanese tutelage, as they carried out the rape of Nanking and their "burn all, loot all, kill all" campaigns in rural North China.

History is replete with similar glorious episodes.

As long as such "exceptionalist" theses remain firmly implanted, however, the occasional revelations of the "abuse of history" often backfire, serving only to efface terrible crimes. The My Lai massacre was a mere footnote to the vastly greater atrocities of the post-Tet pacification programs, ignored while indignation in this country was largely focused on this single crime.

Watergate was doubtless criminal, but the furor over it displaced incomparably worse crimes at home and abroad, including the FBI-organized assassination of black organizer Fred Hampton as part of the infamous COINTELPRO repression, or the bombing of Cambodia, to mention just two egregious examples. Torture is hideous enough; the invasion of Iraq was a far worse crime. Quite commonly, selective atrocities have this function.

Historical amnesia is a dangerous phenomenon, not only because it undermines moral and intellectual integrity, but also because it lays the groundwork for crimes that still lie ahead.

© 2009 Noam Chomsky

Noam Chomsky is Institute Professor (retired) at MIT. He is the author of many books and articles on international affairs and social-political issues, and a long-time participant in activist movements.

Adapted from an article originally published by TomDispatch.com.

Crimes Against The Earth

by Kim Carlyle

Protocol 1 to the Geneva Conventions, adopted in June of 1977, specifies that “attacks against” and “widespread, long-term, and severe damage to the natural environment” are war crimes—crimes against the Earth.

For millennia, war crimes against the Earth consisted mainly of burning crops and salting fields. But human ingenuity combined with advances in technology has developed Earth-hostile devices and substances that quickly and efficiently turn lush forests, marine ecosystems, and productive farmlands into dangerous, barren, waste areas. Some of this devastation is merely a byproduct—“collateral damage”—of actions

attributed to the dioxins found in the chemical.

And consider oil. During the Gulf War of 1991, more than 600 oil wells in Kuwait were set ablaze by retreating Iraqi troops. The cloud of toxic smoke blocked the sun and poisoned the atmosphere, releasing almost a half-billion tons of climate-warming carbon dioxide. Numerous oil spills, in the Gulf (4 million barrels) and in the desert (60 million barrels), killed birds by the thousands and percolated into the ground water, devastating fisheries and livestock. And speaking of oil spills, hundreds of tankers and warships sunk during various wars rest on the ocean floor silently and continuously leaking oil. Many have been polluting the water

We are blowing up and despoiling the world to make it safer.

simply intended to mangle human bodies or obliterate buildings, equipment, and infrastructure, but some is scorched Earth by design.

Consider Agent Orange. In Vietnam, the damage to ecological systems is still evident after four decades. More than 10 percent of the country was sprayed with more than 20 million gallons of the environmentally-persistent, highly toxic herbicide. High concentrations of this defoliant still exist and have wreaked havoc on complex ecosystems, endangering wildlife and destroying half of the country's mangrove forests. Horrible birth defects have also been

since before most of us were born.

Land mines placed in farm lands render the area unsuitable for growing crops, obviously. But forced to develop new land for agriculture, the farmers often cut down the forests, compounding the environmental loss. One hundred million land mines remain in place after the numerous regional conflicts of the last century. The Red Cross estimates that between 1,000 and 2,000 people are killed or maimed by these devices every month. Most detonations occur in peacetime, and most victims are civilians, with children being the most vulnerable.

A recent innovation in the technology of destruction is Depleted

From Protocol 1 to the Geneva Conventions

Article 35 — Basic rules

1. In any armed conflict, the right of the Parties to the conflict to choose methods or means of warfare is not unlimited.
2. It is prohibited to employ weapons, projectiles and material and methods of warfare of a nature to cause superfluous injury or unnecessary suffering.
3. It is prohibited to employ methods or means of warfare which are intended, or may be expected, to cause widespread, long-term and severe damage to the natural environment.

Article 55 — Protection of the natural environment

1. Care shall be taken in warfare to protect the natural environment against widespread, long-term and severe damage. This protection includes a prohibition of the use of methods or means of warfare which are intended or may be expected to cause such damage to the natural environment and thereby to prejudice the health or survival of the population.
2. Attacks against the natural environment by way of reprisals are prohibited.

Uranium (DU). Because of its extreme density, shells made of DU are very effective at penetrating targets. On explosion, they release uranium oxide into the air.

When inhaled, this toxic substance remains in the body, where it releases radiation for the remainder of the human's or animal's life. In Iraq, depleted uranium residue is blamed for increases in stillbirths, birth

defects, childhood leukemia, and other cancers. While DU's effects on health have not been proven, any substance that remains radioactive for four and a half billion

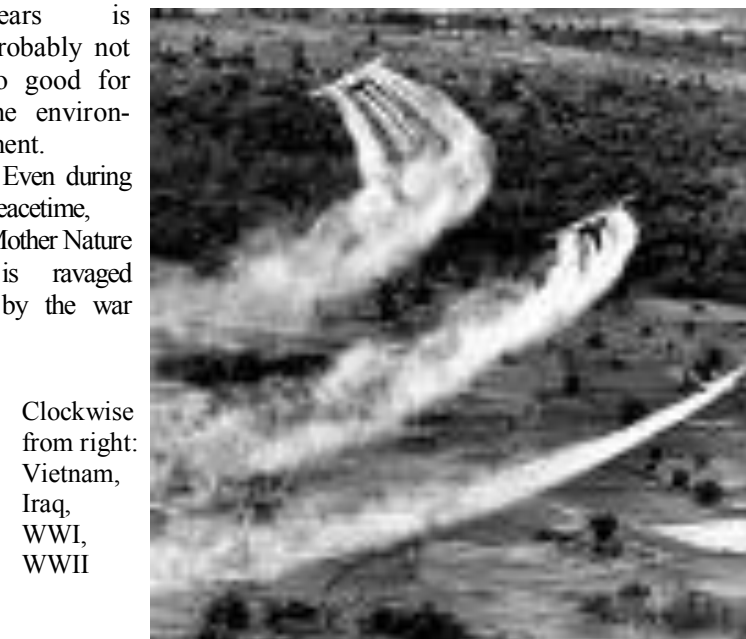
years is probably not so good for the environment.

Even during peacetime, Mother Nature is ravaged by the war

machine. Preparing and maintaining troops and weaponry causes a panoply of destruction including bomb tests (nuclear and otherwise), disposal of chemical weapons and nuclear waste, and lethal (to whales and dolphins) sonar experiments. It seems we are blowing up and despoiling the world to make it safer.

The military assault on the planet will end only when the prohibitions of Protocol 1 are enforced. But recent history indicates that prosecution of war crimes is easier said than done. Besides, although 167 nations have ratified Protocol 1, The United States is not among them.

Wounds from war crimes heal slowly. The enmity aroused by torture will last for generations. But the damage from crimes against the Earth will persist long after the final armistice.



Clockwise from right: Vietnam, Iraq, WWI, WWII

Fuelish Military?

At a time when humanity should be addressing the global climate crisis, our military is burning fossil fuels like there is no tomorrow—as if in a conscious effort to insure that outcome. The U.S. military is the single biggest user of petroleum and much of the usage is of dubious value or just plain wasteful. Fuel consumption for an Abrams tank is measured in gallons per mile; an F-16 burns about 800 gallons per hour. In 2006, the Air Force consumed 2.6 billion gallons of fuel, an amount equal to the fuel used by all U.S. airplanes in World War II.



Torture is not just illegal and ineffective, It's a Sin

by Coleen Rowley

Considering torture from a theological perspective is a challenge because so many churches, mosques, and synagogues have grown silent about the obvious moral failures inherent in our recent, vast departure from the “Golden Rule” of treating one’s neighbor as oneself. This silence has unfortunately given way to the view that torture can be justified—a recent poll by the Pew Forum on Religion and Public Life found that most Evangelicals and Catholics in the United States now condone torture in some instances.

Looking at the broadest theology—which not only transcends mainstream religious doctrinal differences but also encompasses the most basic philosophical and ethical ideas that underpin our earliest laws—I see three main principles which need to be understood and preached: torture is sin; confession is good for the soul; and we reap what we sow.

Torture is sin.

Chris Hedges in his “War is Sin” essay explains that wars “turn the moral order upside down”; they are “about barbarity, perversion and pain.” The same applies in spades to torture. In addition to the physical cruelty, torture often involves the sin of arrogance.

Activist and theologian William Sloane Coffin said “The fundamental sin is arrogance because it invites you to play God.” Many religious traditions recognize that the door to evil is the temptation to know all and become as God, as in the story of Adam and Eve and the apple. The wish to play God combined with the “ends justify the means” rationale leads to the “ticking time bomb” justification for torture.

This justification, based on a specious premise—that torture would help find and stop a ticking time bomb—and the simplistic end of achieving the greatest good for the greatest number, allows the writer of the “24” TV fiction series to play God by creating the happy ending of Jack

Bauer saving the day.

But real people, especially those steeped in American exceptionalism, are always tempted to play God. Lofty, concocted rationales serve to cover up wrongful means, at least for a while. So we have been fooled into conferring good intentions on those who decide to “bomb the village to save it,” to launch wars of aggression in order to bring democracy, and to torture to save lives.

Confession is good for the soul.

It’s easier to see the speck in your neighbor’s eye than the log in your own. Nothing is more painful than seeing and admitting the ugly, harsh truths about oneself or one’s group. Fear of being ridiculed is in some ways more powerful than the fear of imprisonment or death. It is strong enough to promote cover-ups of even minor lapses. But terrible sins carry their own punishments for people with consciences. That’s why Post-Traumatic Stress Disorder is so prevalent amongst those returning from war.

People also tend to develop ego-defense systems to keep their consciences at bay and to keep from seeing or admitting terrible wrong-doing. Projecting the blame onto others and minimizing one’s actions are two of the most common ego defenses involved in the commission of crimes. But PTSD is made worse by keeping the horrors (and the sin) to oneself. Most theologies therefore teach true confession (and penance) as the best and only course to redemption and recovery.

In his April, 2009 *New York Times* op-ed, “My Tortured Confession,” former FBI Agent Ali Soufan describes having to wait 7 years to unburden himself of what he

knew of the false claims the Bush Administration made to magnify the effectiveness of the so-called enhanced interrogation techniques like waterboarding. Soufan’s “confession” was “to shed light on some of the lessons to be learned.”

The notion therefore that the country can “move on” without a public confession, without admitting the truth and remedying what’s been done, is in Walter Mondale’s words, like “putting a loaded gun on the kitchen table for anyone to come along and pick up”.

Do not be deceived: God cannot be mocked. A man reaps what he sows.

—Galatians 6:7

Most religious and philosophical doctrines contain notions of divine justice or karma. The idea that there are always consequences for one’s actions also seems to bear out in scientific observations of the physical world. Sometimes we can only glimpse the various consequences that flow from one’s actions. In any event, ethical decision-making can usually be helped by adopting an outside reference point. We tell grade schoolers,



While many Sunday morning churchgoers appreciated our preaching, a distinct subset had reactions indicating their reference point had been supplanted by a kind of “Republican Jesus.”

Photos by Greg Skog



The flip side of this banner, is “TORTURE DOESN’T WORK.” That the ethical and pragmatic go together has finally been corroborated as professional interrogators have spoken out to explain how and why torture doesn’t work to gain actionable, timely intelligence and why the blowback from torture serves to ratchet up violence, not reduce it.

Letters

Kudos to WCT

I just had good look at the *War Crime Times*. This is first rate frontline stuff. So glad you’re onto this. I have been following the issue as it has come up in some things I have seen, but this is the mother lode. The legal arguments are so clear. And to have it led by vets, that’s doubly powerful.

Keith Helmuth
Woodstock, NB, Canada

The Big Fish

While it’s important to bring the torturers and their enablers to justice, it is imperative that we go after the big fish.

Bush and Cheney initiated the war of aggression—the “supreme international crime” according to Nuremberg since it “contains within itself the accumulated evil of the whole”—that led to the cascade of other war crimes. Unless these two are held accountable, such outrageous actions will occur again.

Martha Bryant
Dubuque, IA

“Think about what you would do if your Grandma were looking over your shoulder.” Similarly, the “What Would Jesus Do?” question used to work quite well for ethical decision-making simply because, if nothing else, it was an outside reference point which even non-Christians could understand.

We reap what we sow is a tough theological lesson but it’s one we need to learn. There is simply no divergence between the theological, philosophical, ethical, and legal rules prohibiting torture and the need for pragmatic effectiveness in trying to prevent future acts of violence.

Coleen Rowley is a former FBI agent and Time Magazine Person of the Year for exposing FBI mishandling of intelligence prior to the September 11, 2001 attacks.

Will the nation that housed 425,000 Nazis in WWII find accommodations for 241 Gitmo captives?

by Sherwood Ross

The mean-spirited attitude of Republican politicians over repatriating Guantanamo's remaining 241 inmates in the U.S. reflects both their irrational fears and loss of moral compass. House GOP leaders have introduced a "Keep Terrorists Out of America Act" that would give governors veto power to stop the transfer or release of detainees in their state. The same governors that never question the building of atomic bombs, napalm, biological, and other banned U.S. terror weapons in their jurisdictions can be expected to make hypocritical political hay out of this issue.

"Our constituents don't want these terrorists in their neighborhoods," House Minority Leader John Boehner told reporters, according to the May 8th *Miami Herald*. This echoes author Christopher Orlet who wrote in the *American Spectator*, "[T]he roughly 650 prisoners that have gone through Guantanamo Bay...are terrorists and terrorist allies." How Orlet knows this when they did not get a true American jury trial, and when men have been tortured into signing confessions, is an intriguing question.

This debate is not helped by a wide disagreement over the facts. Are any of the Guantanamo captives, in fact, terrorists? Lawrence Wilkerson, a Republican who served as chief of staff to then Secretary of State Colin Powell, told the Associated Press, "There are still innocent people there. Some have been there six or seven years." Apparently, some are and some are not. Attorney General Eric Holder says some captives will be released and others will be held.

By continuing to hold any prisoners year after year without trial, Holder only perpetuates the Bush regime's injustice. In case after case evidence has emerged that many innocent men condemned to Guantanamo were turned in by bounty hunters to collect \$5,000 from Uncle Sam. In the Alice-in-Wonderland world of U.S. "justice," untried and uncharged prisoners have been subjected to inhuman punishments calculated

to break them mentally and physically. Kate Allen, director of UK's Amnesty International, told BBC Guantanamo is "a travesty of justice" and that 80% of its captives are held in "cruel conditions of isolation," forced to live in constantly illuminated cells with no natural light or fresh air and not allowed to speak to other prisoners.

Some men have endured this kind of solitary confinement for as long as seven years, and for them the end is not in sight. Now Republican officials are doing their level best not to show the slightest glimmer of mercy to these captives.

How America has grown more fearful and intolerant since World War II, when it took in 425,000 German prisoners of war, many of them dedicated Nazis from General Erwin Rommel's Afrika Korps that surrendered to Eisenhower's forces in April, 1943! The treatment the Germans received in the United States then was the precise opposite of what Muslim and Arab captives have suffered under the Bush administration.

Instead of being put in solitary confinement and tortured, they were treated humanely in camps that typically held 3,000 to 4,000 prisoners. Instead of "super-max" prisons such as Guantanamo, they were often housed in unused CCC or army barracks. They weren't denied fresh air and sunshine and were allowed to speak to other prisoners. They were allowed to publish their own newspapers, play sports, stage theatricals, and were given writing materials. And their food was the same as the GI's dined on, meaning it typically was far better than German army rations.

Nearly all the German soldiers were allowed to work in nearby communities, particularly on farms, and they chopped cotton, picked fruit, worked as cooks and kitchen helpers, performed janitorial duties, and toted bricks on construction sites, including for the Tennessee Valley Authority. From Alabama to Colorado and from Texas to Indiana, hundreds of thousands of Nazi troops were made to feel welcome in America and, as a result, they showed their appreciation by making a major contribution to the



Above: WWII German POWs on Iowa farm Below: Guantanamo detainees

American war effort against Hitler. Some pleaded to remain here when the war ended.

By treating the prisoners in what then was regarded as "a Christian manner" the net outcome was to open their eyes to the lies Hitler told them about American democracy and Americans. They saw first-hand the kindness and generosity of the American people and they appreciated the even-handed treatment of their military captors.

What a change has taken place: a nation that once showed mercy and kindness to nearly a half million prisoners of war is today a country that won't open its doors to 241 prisoners, the majority of whom may well be innocent. These are men who have been illegally transported from their own countries, denied due process of law, tortured and psychologically abused—some for years.

Instead of trying to terrify the public about these alleged "terrorists," Republican politicians should be out front clamoring for an opportunity to show some spark of—dare we say it—"Christian compassion"? If Republican governors won't take the Guantanamo prisoners in, President Obama might consider building housing for them on the mall in Washington, D.C., in the shadow of those beautiful buildings and memorials filled with historic documents of liberty and justice. If we can't do that for those we have tortured and abused, those documents will be utterly worthless.

Sherwood Ross is a Miami-based public relations consultant who formerly reported for major dailies and wire services. Reach him at sherwoodr1@yahoo.com.



Mordechai Vanunu is an Israeli former nuclear technician who revealed details of Israel's nuclear weapons program to the British press in 1986. He was subsequently lured to Italy, kidnapped by Israeli agents, transported to Israel, convicted of treason, and spent 18 years in prison—including more than 11 years in solitary confinement. Released in 2004, Vanunu was subject to restrictions on his speech and movement. He has since been arrested several times for violating those restrictions—giving interviews and attempting to leave Israel. In 2007, he received a harsh, six month sentence for parole violations. In response, Amnesty International issued a press release stating that "The organisation considers

M o r d e c h a i Vanunu to be a prisoner of conscience and calls for his immediate and unconditional release." Vanunu has been characterized by some as a whistleblower and by others as a traitor. Daniel Ellsberg considers him a "hero of the nuclear age."



Truth Walks Into a Court in Jaffa

by Michael Sfar

A rare visitor called on Israeli society recently, and we almost didn't notice. The visit occurred last month during the trial of an Israeli army officer who was charged with beating a Palestinian he was "questioning" in the West Bank village of Qadoun. The officer's attorneys asked his brigade commander to testify in his defense, and the commander agreed. And as the commander proceeded to defend this officer and his right to beat Palestinians, the more sharp-eyed observers noticed that someone who has long been declared persona non grata by the Israeli military had slipped into the courtroom: the truth.

Colonel Itai Virob, a brigade commander in charge of hundreds of soldiers who spend their service facing a civilian population in the occupied territories, laid out his credo at the very beginning of his testimony. To his credit, he was sharp and clear and did not hide behind convoluted wording: "I think," he said, "that the need to use violence in this sort of questioning is certainly reasonable."

The use of violence is reasonable. The shirtsleeve of the truth about our army's attitude toward the Palestinian population in the occupied territories peeked out from under Virob's uniform. Under the cover of his colonel's insignia, the truth managed to cross the separa-

"A slap, sometimes a punch to the scruff of the neck or the chest, sometimes a knee jab or strangulation to calm somebody down is reasonable."

tion fence, the seam zone and the Green Line until it landed in the military courthouse in Jaffa.

Then the truth went on and flowed uncontrollably out of Virob's throat, without the perjuring mediation of the army spokesperson or military attorneys. The army's practices were revealed layer by layer: Storming into a Palestinian village in jeeps, throwing stun grenades or bursting into houses—in order to "disturb the balance of the neighborhood, village or place"—is justified as a "disruption operation." Discussing pressure methods, Vi-

rob acknowledged that "the vast majority is employed against uninvolved people."

Virob's testimony oozed with machismo. It seemed to say: This air-conditioned courtroom is not the place to judge the actions of our soldiers who are risking their lives. Virob could have been cast as Jack Nicholson's tough American colonel character from the movie "A Few Good Men," who is sure that pencil-pushing prosecutor Tom Cruise is not going to teach him when using violence is acceptable and when it is not.

"Is slapping the heads of Palestinians allowed or not?" the prosecutor asked, and Virob spilled the occupation's contaminated truth: "A slap, sometimes a punch to the scruff of the neck or the chest, sometimes a knee jab or strangulation to calm somebody down is reasonable." Exactly what human rights organizations have been reporting for years, exactly what thousands of physically and psychologically injured Palestinians have been crying out, exactly what defense ministers and chiefs of staff and military lawyers and senior officers have been denying dismissively, all singing the "most moral army in the world" anthem like a mantra.

The ugly, stinking, foul truth—an unwelcome tourist in the State of Israel—was straightforwardly spoken by the highest officer on the ground who is charged with educating his soldiers about what is permissible and impermissible. And the truth is that our soldiers are too often taught to treat Palestinians as sub-humans, with whom they should communicate by "slaps" and "punches" and "knee jabs," as a species that must be trained by roaring jeeps that "disrupt the balance" of their lives. That is the new teaching of Israel.

In response to his testimony, Virob did receive a reprimand from the higher-ups. Inside his file was placed a "commander's note." A soldier who is insolent to his commander is grounded for the weekend. An officer who smokes a joint on leave is removed from his command. Virob claims it is okay to hit

Palestinians and throw stun grenades to "disrupt" the life of the village, and he received a "commander's note." This reaction can only be understood by young soldiers as a wink.

Colonel Virob gave his 18-year-old soldiers the powers that the Israeli High Court of Justice took away from the General Security Service—to physically abuse innocent Palestinians in order to obtain information. And the sky didn't fall, and the nation that gave humanity the "Golden Rule" did not ask God's forgiveness. The Jewish people are still waiting for Tom Cruise's cross-examination, and until he comes and the policeman stationed in the court is ordered to arrest Virob, what Nicholson said to Cruise applies to us: "You can't handle the truth."

Michael Sfar is legal adviser to Yesh Din: Volunteers for Human Rights.

Israel and U.S. — Partners in Crime

Israel and the U.S. are partners in war crimes. Almost every nefarious action undertaken by the U.S. has been supported by Israel, not just tacit support but actual on the ground activities—in South America, Iraq, Iran, and many other places. Likewise, the U.S. supplies Israel with arms and support for their actions. Both countries are of the European colonialist mode, with the U.S. now an empire and Israel the representative outpost in the Middle East.

The interesting thing is Israel has become so blatantly belligerent, so enamored of its own military capacity that now with the somewhat more liberal Obama administration, Israel is an embarrassment to the new post-Bush image of the (corporate capitalist) American empire that Obama has been hired to promote and project. Consequently there is the possibility of a split between these two powers. All to the good if it happens. However, the right wing leadership in Israel is fully conscious of being seen as a loose cannon, a very proud and fearsome loose cannon, and one armed with nuclear bombs. They cultivate this image intentionally.

That image sends a message to Washington: You have created a monster and we have the capacity to turn on you or anyone at any time if you mess with us. We don't care if it brings us down because we will bring you all down with us rather than submit to anyone ever again telling us what we can and cannot do. The message to the world is: Nobody messes with Israel without dire, even possible nuclear, consequences. Is it a bluff? Nobody knows, and nobody can be sure one way or the other and that's the point. It's a very dangerous game.

I think it's important that all of us are up to speed on Israel. The U.S. does not and has not up until the present acted alone and I think it's important that we acknowledge and publicize that fact.

Note that the recent atrocities in Gaza are just another installment in the long history of Israeli war crimes.

Forty-two years ago, Israeli forces attacked the clearly marked American intelligence ship, the USS Liberty. Severe damage was done to the vessel and 34 crewmembers died and 167 were wounded.

This and other Israeli and U.S. war crimes remain unaccounted for.

—Tarak Kauff



This cartoon is by renowned artist Khalil Bendib (see box on page 14 for information on Vanunu). Their arsenal of some 240 nuclear weapons allows Israel to commit war crimes, such as occurred in Lebanon and Gaza and daily in the West Bank, with impunity.

Dogfight



During this latest invasion of Iraq (I'd better give the date—2003. Who knows how many more there may be?) I responded to a letter in *The Oregonian* from a Conservative friend (named Jack) who expressed the opinion that regardless of one's position on the war, once the hostilities begin, all political discussion should cease and at least tacit approval should be given in order to "support" the troops involved in the conflict. I thought that was a pretty shallow view, not only because it quashes dissent in a, supposedly, free society, but also because it might condemn to death or serious injury (both physical and/or mental) for an unworthy cause, the very troops we are being asked to support. Therefore, I responded:

You wrote, "It's time to put aside our fractured feelings and beliefs. It's time to support our sons and daughters," Put that way it

sounds reasonable and kind. Let me put it another way: You ever seen a dog fight? Not the kind with airplanes. The literal kind. Its awful. They put the dogs in the pit and right away they start tearing pieces out of one another. They train them up on pain to make them vicious. Soon the floor is covered with blood. No one seems to care. They're too busy placing bets. Some leave poorer. Some leave richer. But the dogs always lose. I've heard people say its awful. I've heard people say we oughta put an end to it. But I've never heard someone say, "Sure, no civilized person thinks its a good thing; but I think we should shut up because we have to support the dogs."

—Rico Vicino, Vietnam Veteran



Afghanistan taught us an invaluable lesson . . . It has been and always will be impossible to solve political problems using force. We should have helped the people of Afghanistan in improving their life, but it was a gross mistake to send troops into the country.

—Retired Red Army General
Boris Gromov
on the 20th anniversary
of the Soviet withdrawal
from Afghanistan
Feb. 14, 2009

TALK OF WAR

There's talk of war,
Of world war,
War of all the worlds war,
The war to end all wars war.
Cold war,
Desert war
Dirty little jungle war -
Muddy boys' blood
Flooding down the delta war.

White, black, and brown boys
Village, city, town boys,
Jew boys, goy boys
Pissing in our pants
Because today our guns
Aren't boys' toys.
Boys to save our women
Boys to save our land
Boys to save our way of life
As instruments of God's own hand.

Allah wars, Yahweh wars,
Jesus Christ Valhalla wars
In lands fresh cleansed,
With earthen pits -
Soups of lime and human bits.
Wars increasing, wars unceasing,
Wars of words condoning wars,
With beasts of war on foreign shores
Disgorging boys to settle scores
In Arafat-Sharon wars.

Wars of mullahs,
Priests, and monks,
Waving script from musty trunks,
Scribbled wars in holy books
Retrieved anew from dusty nooks.
Corporate wars with bottom lines
Which stretch from here
To Pol Pot's crimes,
To Hutus, Boers, Serbo Croatians,
Our bloody brotherhood of nations -

Wars in waking, dreaming, art,
Since the first big bang blew us apart.

© David Asia
February 2003



What will it take, America, for you to stand up and demand prosecution of war criminals?

In your name, your government has engaged in a campaign of invasion, occupation, bombing, killing, torturing, murdering of people who posed no threat. Five million have been driven from their homes.

Are you ignorant of the crimes? Is your silence consent? Or denial? Are the crimes less heinous because the victims are strangers in a foreign land? Is maintaining your comfort more important than easing their suffering and deterring future crimes?

Where is justice, compassion, conscience?

What will it take, America?

Point



...our Administration gave intelligence officers the tools and lawful authority they needed to gain vital information.

—Dick Cheney

Counterpoint

You give me a water board, Dick Cheney and one hour, and I'll have him confess to the Sharon Tate murders.

—Jesse Ventura



Other Points

The president instructed us that nothing we would do would be outside of our obligations, legal obligations, under the Convention Against Torture.... I just said—the United States was told, we were told, nothing that violates our obligations under the Convention Against Torture. And so, by definition, if it was authorized by the president, it did not violate our obligations under the Conventions Against Torture.



—Condoleezza Rice 2009

If the president does it, that mean's it's not illegal.

—Richard M. Nixon 1977

