

# PUBLIC DEMANDS PROSECUTION OF WAR CRIMINALS

## Urge Appointment of Special Counsel More than one hundred groups endorse statement

Citizens actions groups and individuals released the following statement on February 25:

"We urge Attorney General Eric Holder to appoint a non-partisan independent Special Counsel to immediately commence a prosecutorial investigation into the most serious alleged crimes of former President George W. Bush, former Vice President Richard B. Cheney, the attorneys formerly employed by the Department of Justice whose memos sought to justify tor-

ture, and other former top officials of the Bush Administration.

"Our laws, and treaties that under Article VI of our Constitution are the supreme law of the land, require the prosecution of crimes that strong evidence suggests these individuals have committed. Both the former president and the former vice president have confessed to authorizing a torture procedure that is illegal under our law and treaty obligations. The former president has confessed to violat-

ing the Foreign Intelligence Surveillance Act.

"We see no need for these prosecutions to be extraordinarily lengthy or costly, and no need to wait for the recommendations of a panel or 'truth' commission when substantial evidence of the crimes is already in the public domain. We believe the most effective investigation can be conducted by a prosecutor, and we believe such an investigation should begin immediately."

## Special Report to WCT—An Overview Of the History of War Crimes

by Peter Dyer

On June 13, 1899 one of the largest battles of the Philippine-American war took place on the southern outskirts of Manila. After several hours of fierce fighting at the Zapote River Bridge, 5000 poorly armed Philippine soldiers were outgunned and routed by 3000 Americans.

Including guerilla conflict and the Moro Rebellion this war dragged on for 14 years.

By 1913, between 4,000 and 5,000 American soldiers had died. Estimates of Philippine military deaths run from 12,000 to 20,000. There were massive civilian deaths from starvation and disease due to scorched earth campaigns and

forced relocation. Estimates of civilian deaths in the Philippine-American war range from 200,000 to 1,400,000.

As the battle of Zapote Bridge raged, the world's first international peace conference was in full swing 10,000 kms away at The Hague in Holland.

On July 4, exactly three weeks after the carnage near Manila, Andrew White, the United States Ambassador to the Hague Peace Conference, laid a silver wreath at the tomb of Hugo Grotius, the 17<sup>th</sup> century "father of international law." He said: "From this tomb of Grotius I seem to hear a message to go on with the work of strengthening peace and humanizing war."

The contradiction involved in the effort to apply law to war—the ultimate expression of lawlessness—is so stark the enterprise sometimes seems by nature doomed to failure. As Ambassador White unintentionally highlighted the gap between uplifting rhetoric and brutal reality, he could not have expressed more succinctly the enormous challenge inherent to the evolution of the law of war.

As White noted, Hugo Grotius was the first to express a comprehensive and detailed vision of the regulation of armed conflict by international law. In *De jure belli ac pacis libri tres (On the Law of War and Peace: Three books) 1625*, he proposed that "...there is a common law of nations which is valid alike for war..." Conduct discussed in *De Jure* ranges from fundamentals such as "The Right to Kill in a Lawful War" where he advises "moderation in laying waste and similar things" through hostage-taking and care;

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## Citizens Take Message to Congress

By Laurie Arbeiter

As the 111<sup>th</sup> Congress convened on January 6, 2009, approximately 70 people gathered in the streets of Washington, DC for the March of the Dead, a demonstration to make visible the mounting death toll from a U.S. foreign policy of illegal invasions and occupations.

Others delivered to the new Congress a strong and clear

message of dissent by holding banners that read: "The Audacity of War Crimes—Afghanistan, Iraq and Palestine," and "We Will Not Be Silent," and reading aloud the names of the dead from Afghanistan, Iraq and Palestine. Seventeen people were arrested and charged with "unlawful assembly, disorderly conduct" or "unlawful conduct."

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## War Criminals, Including Their Lawyers, Must Be Prosecuted

by Marjorie Cohn

Since he took office, President Obama has instituted many changes that break with the policies of the Bush administration. The new president has ordered that no government agency will be allowed to torture, that the U.S. prison at Guantánamo will be shuttered, and that the CIA's secret black sites will be closed down. But Obama is non-committal when asked whether he will seek investigation and prosecution of Bush officials who broke the law. "My view is also that nobody is above the law and, if there are clear instances of wrongdoing, that people should be prosecuted just like any ordinary citizen," Obama said. "But," he added, "generally

speaking, I'm more interested in looking forward than I am in looking backwards." Obama fears that holding Team Bush to account will risk alienating Republicans whom he still seeks to win over.

Obama may be off the hook, at least with respect to investigating the lawyers who advised the White House on how to torture and get away with it. The Office of Professional Responsibility (OPR) has written a draft report that apparently excoriates former Justice Department lawyers John Yoo and Jay Bybee, authors of the infamous torture memos, according to *Newsweek's* Michael Isikoff. OPR can report these lawyers to their state bar associations for possible discipline,

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# Must We Forget U.S. History to Successfully Prosecute Bush and Cheney?

by Fred Nagel



The last eight years have taught the American people a lot about war crimes. As we have witnessed our country's invasions and occupations in the Middle East, we have turned to legal and moral principals from outside our own political system for guidance. The actions of our president and our Congress have so betrayed us, that we have explored the Geneva Conventions, The Nuremberg Principles, and the Universal Declaration of Human Rights.

Perhaps it is the Internet that has given us so many particulars of U.S. wartime atrocities. We can now watch the heart-breaking admissions of our own Iraq War veterans as given during their 2008 Winter Soldier Testimony in DC. Perhaps it is the slippery nature of those digital photos from Abu Ghraib prison. Uploaded once, those images of beaten men on dog leashes are on all our computer screens, on all the world's computer screens. And they represent not only the barbarism of America's military power, but also the abrogation of our vaunted Constitution and rule of law.

So we seek to understand how our political system with its fine checks and balances could lead us to this. How our political parties could sign on to illegal and immoral military assaults against foreign countries. How politicians in the "opposing" party, like Nancy Pelosi, could approve the use

of tortures like waterboarding.

There are two major impediments to understanding our country's descent into committing war crimes. The first is the Democratic Party itself. We must remember that there was very little opposition to the invasion of Iraq from Democratic leaders. Senator Hillary Clinton, Obama's selection for secretary of state, said she was "fooled" by inaccurate information about weapons of mass destruction. But anyone following the debate closely could not have been fooled. Chief United Nations weapons inspector Scott Ritter had been casting doubts on Iraq's WMD's since the 1990s, when this same excuse was being used by President Clinton for the military blockade of Iraq.

It was not until the success of Howard Dean running against the war that the Democrats were suddenly converted to the party of peace. John Kerry, who became the Democratic nominee that year, referred to himself as the "real" peace candidate. This despite the fact that he too had accepted the WMD rationale for the invasion.

I believe that a deadly arsenal of weapons of mass destruction in his hands is a threat, and a grave threat, to our security and that of our allies in the Persian Gulf region.

In truth, the Democratic Party did very little to stop the U.S. invasions of Afghanistan and Iraq. And it has voted to fund these occupations time and time again, even after it took control of Congress in January 2007. It has even failed to demand a significant debate. Yet, Obama ran and won in part because a large number of peace activists supported him. If he now extends

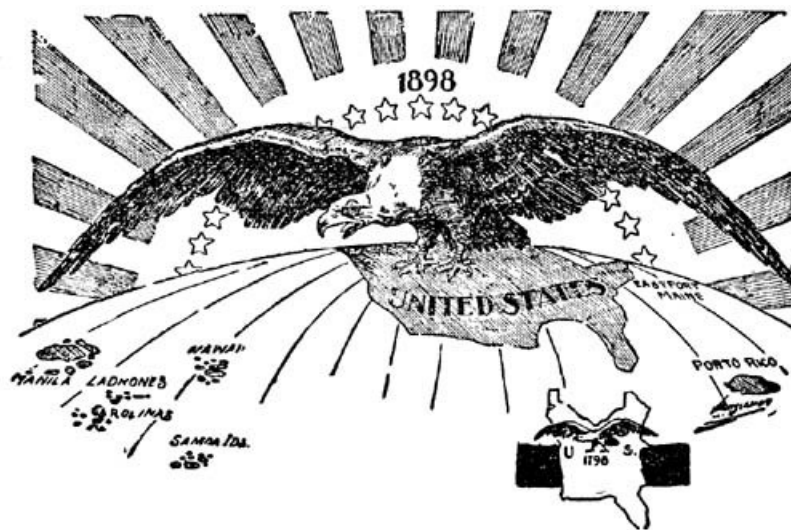
the length of the Iraq occupation and increases troop levels in Afghanistan, we as citizens must come to grips with our first realization about U.S. war crimes. They are the crimes of both parties, joined together in the belief that America has a right to slaughter millions in the pursuit of corporate profits and geopolitical advantage.

The involvement of both political parties in war crimes brings us to the second hurdle in understanding our country's descent. Just when did America start committing war crimes? Was it under George W. Bush with his Middle East invasions, or was it under Bill Clinton with his bombings of Iraq and Yugoslavia? Or was it Ronald Reagan attacking Nicaragua and invading Granada? President Carter armed and funded the Indonesian military for its genocidal assault on East Timor, an invasion that President Ford gave permission for. President Nixon secretly bombed the neutral country of Cambodia, while presiding over the killing of two to three million Vietnamese. It was a criminal occupation, pursued in varying degrees of intensity by his three predecessors.

Are we to accept William Blum's definition (in *Rogue State: A Guide to the World's Only Superpower*) of when things started to go wrong? He cites the U.S. involvement in the Chinese civil war from 1945 to 1948.

Perhaps we are to agree with Stephen Kinzer's conclusion (in *Overthrow: America's Century of Regime Change from Hawaii to Iraq*) that the 1893 invasion of what is now our fiftieth state was the beginning.

In 1902, Mark Twain denounced the "water cure" torture being used to make Filipinos confess during the U.S. occupation of that country. In fact, it doesn't take much reading of American history to understand that Bush and company were only the most



Ten thousand miles from tip to tip.—Philadelphia Press.

recent war criminals in a long line of invaders, occupiers, and torturers.

So why single out Bush and his murderous regime for prosecution? Do we have to cover up Democratic complicity in war crimes to make a compelling case? And must we simply forget U.S. imperialism over the last 100 years?

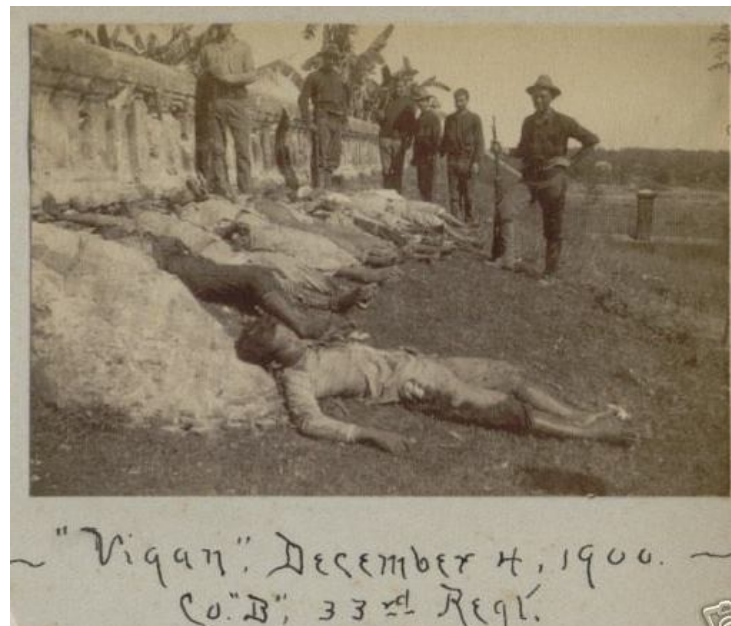
Perhaps the answer lies in the Bush administration's blatant disregard for even the pretense of following the U.S. Constitution or international law. Far from hiding his war crimes, Bush claimed the right to commit them: America's first imperial presidency. As Arundhati Roy described Bush:

He has achieved what writers, activists and

scholars have striven to achieve for decades. He has exposed the ducts. He has placed on full public view the working parts, the nuts and bolts of the apocalyptic apparatus of the American empire.

Simply put, if we the people can't resist this recent and most blatant manifestation of war crimes by the leaders of our country, there is very little hope of restoring democracy and the rule of law. The prosecution of Bush and Cheney is our best chance for changing the direction of America. It may also be our last.

*Fred Nagel is a filmmaker and political activist. He is a US Veteran who devotes his time to a radio show, peace organizing, and Palestinian rights.*



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Send donations to VFP (memo: Vets Direct Action) c/o Baltimore Veterans For Peace, 325 E. 25th Street, Baltimore, MD 21218.

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## HISTORY: War Crimes Overview

(Continued from page 1)

truces; “ruses and falsehoods” and the right of safe passage in a section on good faith between enemies, even including safe conduct of baggage.

There was plenty of war, but few subsequent advances in the law of war until the mid-19<sup>th</sup> century.

In 1859, Swiss businessman Jean Henri Dunant witnessed the gruesome aftermath of the savage battle at Solferino in present day northern Italy. His efforts to establish an international organization for relief and care of those wounded in battle, regardless of nationality, led to the establishment of the International Red Cross. This was formalized on August 22, 1864 by the first international humanitarian law treaty—the Geneva Convention for the Amelioration of the Condition of the Wounded in Armies in the Field.

While the Red Cross was emerging out of European conflict, the American Civil War gave rise to the Lieber Code. In April 1863, Columbia University Professor Francis Lieber prepared “Instructions for the Government of Armies of the United States in the Field” at the request of Union General Henry Halleck. The Lieber Code was essentially a working manual that aimed to provide a practical framework for day-to-day ethical conduct of war. In this sense, its focus was considerably more broad than that of the Geneva Convention.

Unlike the Geneva Convention, the Lieber Code prescribed specific punishment for violations, including death. And although it allowed starvation of unarmed belligerents

(Article 17), the Lieber Code was noted for its general ethical treatment of civilian populations and prisoners of war.

It seems highly likely that Lieber, a scholar of law and ethics, born and educated in Germany, was influenced by the work of Grotius. For example, Article 40 refers to “... that branch of the law of nature and nations which is called the law and usages of war on land.”

The Hague Conventions of 1899 and 1907 were the first international agreements to specifically prohibit a wide range of weapons and tactics in war.

Poisons—especially poison gas—were forbidden. “Arms, projectiles, or material of a nature to cause superfluous injury”; “bullets which expand or flatten easily in the human body” and projectiles and explosives launched from balloons also made the list.

As Ambassador White noted, the work at The Hague built on foundations laid by Grotius. It is likely that the Lieber Code played a role as well. Humane treatment of prisoners of war was a priority. Specific situations and tactics were either permitted (such as ruses) or prohibited (such as pillage).

In addition the Hague Conventions specifically incorporated the 1864 Geneva Convention.

The Hague Conventions seem to have brought together and developed further the bulk of the most enduring contemporary principles of the law of war. The result was a significant advance in international law.

One important principle, however, was absent: Professor

Lieber’s perspective of violations as crimes with corresponding punishments.

Because the legal authority of the Conventions was seen as flowing from their status as treaties between states, the only responsibility for treaty violations on the agenda was the collective responsibility of the State. So, despite the terrible personal and communal violence that was the subject matter of the Conventions, the only remedies envisioned were similar to those provided in contract law: mediation, commissions of inquiry and a permanent court of arbitration.

Given the issues of state sovereignty arising from a multinational pact, this is not surprising. But even with the remedies available, consistent and fair enforcement depended entirely on the willingness of the most powerful nations to submit to the will of those less powerful.

In other words, there were no

**In 1945, fifty million more deaths from another World War brought a momentous leap in law. Aggressive war, war crimes, and crimes against peace were formally criminalized.**

teeth. It was easy for powerful nations to proclaim dedication to the rule of law and to the highest humanitarian principles, whatever the reality.

And no persons of any rank, low or high, were to be held responsible for any of the outrages the Hague Conventions aspired to prevent.

Less than seven years after the 1907 Hague Convention was signed, the industrial slaughter of World War I began. The shock of 15,000,000 military and civilian deaths undoubtedly contributed to what was probably the first use of the language of criminal law in the international law of war.

Articles 227 of the 1919 Versailles Treaty, which formally ended the war, called for no less than the arrest and public trial before an international tribunal of the defeated German Emperor, Kaiser Wilhelm II, for “a supreme offence against international morality and the sanctity of treaties.” and to “fix the punish-

ment which it considers should be imposed.”

In addition, Article 228 called for the trial “before military tribunals of persons accused of having committed acts in violation of the laws and customs of war. Such persons shall, if found guilty, be sentenced to punishments laid down by law.”

However, Holland, home of the Hague Conventions, refused to extradite the Kaiser and he was never tried. Although a few Germans of lesser rank were eventually tried under Article 228 by German courts in Leipzig, the process was crippled by controversy among Allied observers and widespread, vehement German opposition. A good portion of this controversy sprang from the radically new idea of individual criminal responsibility for acts of war.

Ten years after the fighting stopped the trauma of the “war to end all wars” was still fresh. In 1928 fifteen nations, including Germany, signed the General Treaty for the Renunciation of War (Kellogg-Briand Pact or Paris Pact).

The Paris Pact was short, clear and unqualified. It condemned “recourse to war for the solution of international controversies.”

Although there were no sanctions provided for violation, the treaty can be seen as perhaps the first significant effort to go beyond various acts of war and address the source of all such acts: aggressive war.

Seventeen years later in 1945, 50 million more deaths from another World War brought a momentous leap in law. Aggressive war (along with war crimes and crimes against the peace) was formally criminalized, with



Fig. 341.—The Water Torture.—Fac-simile of a Woodcut in J. Dambouïère's "Praxis Rerum Criminalium;" in 4to, Antwerp, 1556.

individual responsibility, in the charter of the first international criminal tribunal—the International Military Tribunal at Nuremberg, Germany.

Twenty-two of the most powerful Nazis were tried. Nineteen were convicted of one or more of the IMT Charter crimes. Twelve received death sentences.

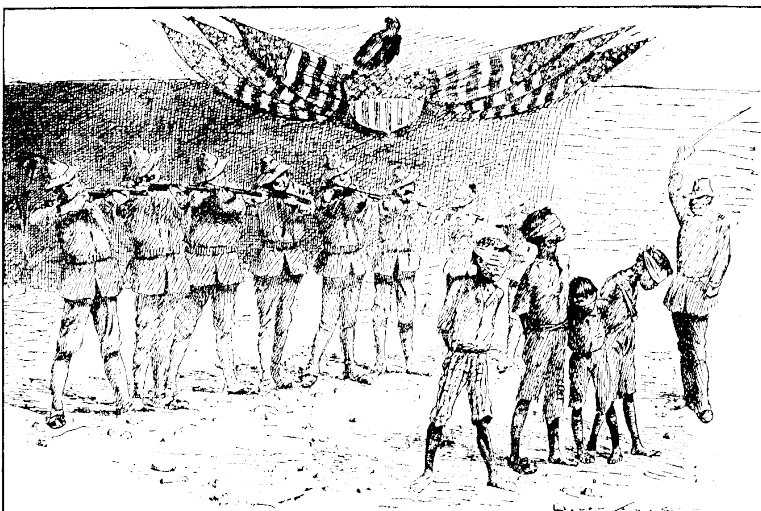
Delivered on October 1, 1946, the Tribunal judgment invoked both the Paris Pact and the 1907 Hague Convention, essentially establishing violations of these treaties as crimes. “In the opinion of the Tribunal, the solemn renunciation of war as an instrument of national policy necessarily involves the proposition that such a war is illegal in international law.”

World War II and Nuremberg provided a catalyst for a few years of accelerated development of the law of war. Just ten weeks after the Nuremberg judgment, the United Nations General Assembly passed Resolution 95(1) “Affirmation of the Principles of International Law Recognized by the Charter of the Nuremberg Tribunal.”

The next year, the General Assembly adopted resolution 174 (II) establishing the International Law Commission (ILC) for the “promotion of the progressive development of international law and its codification.”

In December 1948 the General Assembly passed Resolution 260 (III), the Genocide Convention, recognizing that genocide is an international

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“KILL EVERY ONE OVER TEN.”

Criminals because they were born ten years before we took the Philippines.

The New York Evening Journal.

## History

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crime and providing a precise definition.

In Part B of Res. 260 the General Assembly invited the ILC "...to study the desirability and possibility of establishing an international judicial organ for the trial of persons charged with genocide, or other crimes over which jurisdictions will be conferred upon that organ by international conventions."

Eight months later, in August 1949, the international community modified the Geneva Convention of 1864 and significantly expanded international humanitarian law, adopting three more conventions relating to those wounded in war at sea, prisoners of war and civilians. Two protocols protecting victims of international and national conflicts were added in 1977.

Today these conventions provide the foundation of international humanitarian law.

### The United States has actively resisted and attempted to undermine the International Criminal Court.

The efforts of the ILC and others to establish an "international judicial organ" were essentially frozen during the Cold War. Forty-one years after UNGA Res 260 the General Assembly asked the ILC to "address the question of establishing an international criminal court" (Res 44/39, 1989) with a specific purpose: interdicting international drug trade.

During the 1990s the horrors of war crimes and genocide in Yugoslavia and Rwanda resulted in the establishment of temporary international criminal tribunals. The need for a permanent and broadly focused International Criminal Court as envisioned in 1948,

became more urgent. Eventually, on July 17, 1998 the Statute of the International Criminal Court was signed in Rome.

Ironically, the United States, which led the way at Nuremberg, voted against the ICC Charter, along with China, Libya, Iraq, Israel, Qatar, and Yemen. Resistance was especially strong in the U.S. Senate where Senator Jesse Helms declared the treaty "... will be dead on arrival when it reaches the Foreign Relations Committee. Let us close the casket right now..."

Since then the U.S. has not only refused to participate but has actively resisted and attempted to undermine the ICC.

Since the time of Hugo Grotius there has been considerable progress in the evolution of the law of war. However, 110 years after the first Hague Convention and the Battle of Zapote Bridge, the problem of enforcement ensures that the stark contrast between noble words and savage violence is still very much with us.

Although 139 nations have signed the Rome Statute and 108 are full Parties, without the support of the world's richest and most powerful country, the ICC faces an uphill struggle. In the meantime, as Michael Scharf pointed out to Senator Helms: "We have lived in a golden age of impunity, where a person stands a much better chance of being tried for taking a single life than for killing ten thousand or a million."

The law of war will continue to evolve because there is no civilized alternative. As Hugo Grotius wrote nearly four centuries ago: "For when treaties have been done away with it will follow that all peoples will wage unending wars with one another."

*Peter Dyer is a freelance journalist who moved with his wife from California to New Zealand in 2004.*

## Guantánamo Remains Open

Despite President Obama's executive order, the notorious prison camp at Guantánamo will remain open for another year. More than 200 people are imprisoned there and more than 70 of those are on hunger strikes.

In an article posted at WarCrimesTimes.org, Matthew Vogel writes: "But does Ahmed Zaid Salem Zuhair have another year? A 44-year-old Saudi Arabian man, Mr. Zuhair has been on hunger strike since mid-2005. His forced -feeding began shortly after that. In November, when his lawyer met with him, Mr. Zuhair weighed a little over 100 pounds and described the brutal hours-long force-feeding process as a 'saw cutting through my spine.' Will it really take another year to sort out the challenges posed by Mr. Zuhair's situation?"

Vogel says we have a moral duty to close Guantánamo now.



## Prosecute Criminals & Their Lawyers

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or even refer them for criminal investigation. Obama doesn't have to initiate investigations; the OPR has already launched them, on Bush's watch.

The smoking gun that may incriminate George W. Bush, Dick Cheney, et al., is the email traffic that passed between the lawyers and the White House. Isikoff revealed the existence of these emails on The Rachel Maddow Show. Some maintain that Bush officials are innocent because they relied in good faith on legal advice from their lawyers. But if the president and vice president told the lawyers to manipulate the law to allow them to commit torture, then that defense won't fly.

A bipartisan report of the Senate Armed Services Committee found that "senior officials in the United States government solicited information on how to use aggressive techniques, redefined the law to create the appearance of their legality, and authorized their use against detainees."

Cheney recently admitted to authorizing waterboarding, which has long been considered torture under U.S. law. Donald Rumsfeld, Condoleezza Rice, George Tenet, Colin Powell, and John Ashcroft met with Cheney in the White House basement and authorized harsh interrogation techniques, including waterboarding, according to an ABC News report. When asked, Bush said he knew about it and approved.

John Yoo wrote in a Wall Street Journal op-ed that Bush "could even authorize waterboarding, which he did three times in the years after 9/11."

A representative of the Justice Department promised that

OPR's report would be released sometime last November. But Bush's attorney general Michael Mukasey objected to the draft. A final version will be presented to Attorney General Eric Holder. The administration will then have to decide whether to make it, and the emails, public and then how to proceed.

When the United States rati-

**Torture is considered a war crime under U.S. law. Nothing, including a state of war, can be invoked as a justification for torture.**

fied the Convention Against Torture, we promised to extradite or prosecute those who commit, or are complicit in the commission, of torture. We have two federal criminal statutes for torture prosecutions—the Torture Statute and the War Crimes Act (torture is considered a war crime under U.S. law). The Torture Convention is unequivocal: nothing, including a state of war, can be invoked as a justification for torture.

Yoo redefined torture much more narrowly than U.S. law provides, and counseled the White House that it could evade prosecution under the War Crimes Act by claiming self-defense or necessity. Yoo knew or should have known of the Torture Convention's

absolute prohibition of torture.

There is precedent for holding lawyers criminally liable for giving legally erroneous advice that resulted in great physical or mental harm or death. In U.S. v. Altstoetter, Nazi lawyers were convicted of war crimes and crimes against humanity for advising Hitler on how to "legally" disappear political suspects to special detention camps.

Almost two-thirds of respondents to a USA Today/Gallup Poll favor investigations of the Bush team for torture and warrantless wiretapping. Nearly four in 10 favor criminal investigations. Congressman John Conyers has introduced legislation to establish a National Commission on Presidential War Powers and Civil Liberties. Senator Patrick Leahy advocates for a Truth and Reconciliation Commission; but this is insufficient. TRC's are used for nascent democracies in transition. By giving immunity to those who testify before them, it would ensure that those responsible for torture, abuse and illegal spying will never be brought to justice.

Attorney General Eric Holder should appoint a Special Prosecutor to investigate and prosecute high Bush officials including lawyers like John Yoo who gave them "legal" cover. Obama is correct when he said that no one is above the law. Accountability is critical to ensuring that our leaders never again torture and abuse people.



*Marjorie Cohn is president of the National Lawyers Guild and a professor at Thomas Jefferson School of Law, where she teaches criminal law and procedure, evidence, and international human rights law. She lectures throughout the world on human rights and U.S. foreign policy. See <http://marjoriecohn.com/>*

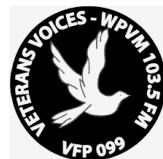
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Restore the Rule of Law

**PROSECUTE WAR CRIMINALS**

WarCrimesTimes.org

Now hear this!



WPVM.org

History has proven: **War Doesn't Work**

VFP CHAPTER 099 ASHEVILLE, NC

# Corporate Media and War Crimes

By Linda LaTendre

There's a bumper sticker that's been around for a long time that reads, "When the people lead, the leaders will follow." I saw evidence of that possibility at the Veterans For Peace (VFP) action on Saturday Jan. 17th at the Newseum—the showpiece museum of the corporate media in Washington, DC.

More than 30 activists gathered at the Newseum to launch the inaugural edition of *The War Crimes Times*, a newspaper that does what our "liberal" media has failed to do, and that is to give the American public the information it needs to hold the Bush administration accountable for their actions and policies in the Iraq War.

Two activists brought a 38-foot banner (hidden in a suitcase) into the building then they and three others unfurled it from one of the balconies and it hung there for about five full minutes until museum officials requested that they take it down. The official who made the request did so by saying that he agreed with what they were doing but they just could not do it in the museum.



Simultaneously, other activists (many of whom were dressed as "newsies" and wearing "Arrest Bush" sweat-shirts) both inside and outside, began shouting, "Extra! Extra! Read all about it! Corporate media complicit in war crimes cover up!" while handing out *The War Crimes Times* to passerby and people stopped in traffic.



I was outside as one of the "newsies" and my favorite line to call out was, "Read all the news that's not in that building!" while pointing to the museum.

While there were a few detractors, most people were supportive, especially on the inside where people applauded and told activists to "Keep up the good work."

Tarak Kauff, VFP member and coordinator of the event at the Newseum said, "Our goal is to have George Bush and his administration prosecuted for war crimes, no matter how long that takes. There is no statute of limitations on war crimes."

Tarak, a former Army paratrooper, added, "We have come to the Newseum, the showpiece home of

the corporate media, to distribute *The War Crimes Times*, a newspaper created to fill the void left by the corporate media's failure to report the Bush administration's numerous and severe war crimes. We are also here to demand the Obama administration vigorously and unconditionally prosecute Bush and all members of his administration responsible for these crimes."

*The War Crimes Times* is an impressive paper. It features articles by Michael Ratner, President of the Center for Constitutional Rights; Colleen Rowley, former FBI agent and one of *Time Magazine's* Persons of the Year for exposing FBI mishandling of September 11 information; Ann Wright, retired U.S. Army Col. and career foreign service officer (she resigned in protest of the Bush administration policies and actions); Lawrence Velvel, Dean of the Massachusetts School of Law; Jesselyn Radack, former U.S. Department of Justice Ethics Adviser; Mike Ferner, current President of Veterans For Peace and author of *Inside the Red Zone*; Elaine Brower, mother of a young Marine deployed in Iraq; Marjorie Cohn, President of the National Lawyers Guild and others. An impressive line up if you ask me.

"DC's Finest" showed up minutes after the action began, called in by



Newsuem staff. God knows you don't want people non-violently expressing their First Amendment Rights in full public view without the constabulary nearby. Heaven knows what would come of that. A cruiser and a van waited in the median of Constitution Avenue until the action was over.

The building's front facade features a four-story copy of the First Amendment and I thought it would be a real interesting photograph to have people being arrested in front of that backdrop for doing exactly what the words say that they have the right to do. As it was, just having the police there was image irony enough.

Laurie Arbeiter, one of the most committed activists I know, and some of the others went to Union Station after the action still wearing their "Arrest Bush" sweatshirts and carrying their signs and news-

papers. They couldn't get out for seven hours! Seven hours! People wanted their photographs taken with them and their signs that read, "Yes we can!" They also wanted copies of the newspapers. Talk about support.

Of course the police followed them around the entire time, keeping democracy safe.

It is interesting to note that the Newseum exhibit on 9/11 never mentions that none of the perpetrators were Iraqi – in fact it never mentions the "who", "what", "where", "when" or the "why" of the event. I found that rather odd to say the least. I always thought those questions were the mainstays of journalism.

The cost [the Newseum fee] for viewing this mis- or disinformation (depending on your perspective) is \$22.

**YOU WRITE WHAT YOU'RE TOLD!**



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## Message to Congress

(Continued from page 1)

Barack Obama made history on January 20th as he was sworn in as the first African American president of the United States. However, as many celebrated, something ominous was taking place: at the very moment of the transfer of power, George Bush and Dick Cheney were walking away free men. Walking away after eight years of abusing

power in a notorious and well-chronicled criminal administration that violated both domestic and international law and committed war crimes with impunity. Unfortunately our nation, once again, is failing to face the truth, failing to examine the shameful actions of U.S. government officials, and failing to truly change by holding accountable those responsible for criminal policies

that caused death and destruction to so many. We cannot move forward, or become a better people, if these officials are not subject to prosecution.

Over these years many people have been compelled, and still continue, to speak out against the atrocities committed in our name. The government is invested in trivializing and deterring our actions by prosecuting dissenters rather than those who commit crimes of such grave proportion. This is how dissent is curbed and

discredited and threatened. Yet, a resistance must always be sustained and encouraged to grow as an alternate force. It will be recorded and measured as a proof of our humanity.

It is essential that we join together and support one another to create the larger networks needed to mount a resistance that will not shrink away from taking action, however difficult or impossible it seems, against the abuses of power by the U.S. government.



# The Trial of Donald Rumsfeld

by Michael Ratner and the Center for Constitutional Rights

*In response to the attacks of September 11, 2001, top officials of the Bush administration authored an era of torture, rendition and secret detention—criminal acts for which they must be held accountable. In his new book, attorney Michael Ratner lays out the prosecutor's case for the war crimes trial that may never happen. Following is an excerpt from his opening argument.*

This is an unusual trial. It is occurring in the form of a book that lays out the evidence that high-level officials of the George W. Bush administration have ordered, authorized, implemented and permitted war crimes, in particular the crimes of torture and cruel, inhuman and degrading treatment. We are proceeding to build this case against what we call the “torture defendants” in this way because at this point there appears to be no other means of holding high Bush administration officials criminally responsible for their war crimes.

The government did launch several investigations in the wake of the public outcry over Abu Ghraib. The Taguba, Schlesinger and Fay-Jones reports criticized the interrogation methods and confirmed that the entire chain of command was responsible for the torture and abuse at the Iraqi prison.

Efforts made to begin investigations in other countries have so far been unsuccessful. The effort by the Center for Constitutional Rights (CCR) in Germany failed. A case filed in France in October 2007 is pending, but the French prosecutor failed to arrest former Secretary of Defense Donald Rumsfeld when he was in Paris or issue a warrant to obtain his testimony. Efforts to get Congress to hold the Bush administration accountable have also not been successful. There have not even been serious hearings on the responsibility of high Bush administration officials for the planning and implementation of the torture program.

In these circumstances, there is an obligation to set forth the facts, give the defendants their chance to defend themselves and make a determination of whether they are guilty. We cannot sit idly by while high-level officials in the most powerful country in the world are allowed to torture with impunity. We cannot put the genie back in the bottle and stop what has occurred. But perhaps we can deter similar conduct if we send a message to the world that torturers, like the pirates of old, are enemies of all humankind and will be

brought to justice no matter their power or high office.

**The Torture Program.** We will present you, the readers who will be the jury, with overwhelming evidence that the defendants are responsible for heinous war crimes. Torture committed during a time of war is a war crime. The torture revealed in the photographs at Abu Ghraib, sadly, is illustrative of only a small part of a torture program implemented by the defendants after 9/11. It was a program that took place throughout the world: in Afghanistan, Iraq, Guantánamo, secret CIA prisons and other places unknown.

That torture program has not ended, and the Bush administration insists it will continue. President Bush, in September 2006, while claiming that he had not authorized torture, insisted that his administration could still employ an “alternative set of procedures” when

Human beings were stripped, hung from ceilings, beaten, attacked by dogs, sexually abused, subjected to extreme temperatures, deprived of food and sleep, held in isolation, and waterboarded. More than occasionally, they died from torture.

These crimes were integral to a policy and practice authored and approved at the highest levels.

prisoners stopped talking. These include techniques such as sleep deprivation, stress positions including standing for long periods of time, raising and lowering of temperatures and even the classic torture of waterboarding. The New York Times revealed that even after the administration publicly repudiated torture, it secretly issued opinions condoning waterboarding and other supposedly banned techniques. Evidence also comes from Vice President Dick Cheney. In October 2006, a TV reporter asked, “Would you agree a dunk in water is a no-brainer if it can save lives?” Cheney responded, “Well, it’s a no-brainer for me.” As the evidence will demonstrate, Cheney was one of the key architects of the torture program.

President Bush and Vice President Cheney have not been named as defendants. This is not because of a lack of evidence against them. But Bush, as head of state, and Cheney, as successor head of state, have immunity from

criminal indictment while they are in office for acts that occurred during their tenure. The moment their terms are over, they can join the others as defendants. However, in this trial they have been named as unindicted co-conspirators for their role in the conspiracy to commit torture.

Any torture is by definition barbaric. The Bush administration developed and implemented a scientific torture program, one that maximized the destruction of the human personality. You will be shocked by what you see and what you read about this torture program. Human beings were stripped, hung from ceilings, beaten, threatened and attacked by dogs, sexually abused, subjected to hot and cold temperatures, deprived of food and sleep, held in isolation day after day, month after month, and waterboarded. More than occasionally, they died from torture.

This torture was not carried out by just a few “bad apples,” as the defendants would have you believe. It was policy and practice ordered and approved at the highest levels of the administration by the defendants sitting before you. The defendants have attempted to divert attention from their own actions by prosecuting soldiers, particularly those photographed in the torture photos. To date no one above the rank of lieutenant colonel has been prosecuted—and the one officer who has been prosecuted, Steven Jordan, was not found guilty of any charges relating to torture. That is why we are here. We, the public, are the court of last resort. Our opinion perhaps can force some existing court to bring high level officials of the Bush administration, the perpetrators of torture, to justice.

The Bush administration has made efforts, through public statements and publicly released memos, to mount a defense against the serious accusations of torture made against it. On the one hand, it claims it does not torture and treats prisoners humanely. As you will see, it makes this claim because it has redefined torture and inhuman treatment so that the coercive interrogations it employs do not come within what courts and treaties always found to be torture. At the same time, the administration insists that it needs harsh interrogation tactics, and that President Bush, in the name of national security, may employ torture. In fact, his lawyers argue that there are no limits to the cruelties he can impose on others if he thinks he needs to do so to make us safer.



Did Rumsfeld authorize conduct that constituted war crimes?  
Absolutely.

The evidence will refute each of these so-called torture defenses. The administration’s assertion that it is not bound by any law is simply false. Democracies are built on certain principles, and a key principle is that the authority of the executive is not above law. Nor is the defense that torture can be employed in self-defense valid. Torture is immoral and illegal no matter the claimed necessity

I will outline the torture program of the Bush administration. This will give you an overview of the evidence. We will follow this brief introduction with proof that is undeniable, much of it from documents written by the defendants themselves, that these crimes were integral to a policy and practice authored and approved at the highest levels. Its direct victims were in the thousands. Its indirect victims were not only those who were tortured but all of us who care about morality, a government under law and our own safety.

**The Law.** We begin with the law: the basic prohibition against torture and cruel, inhuman and degrading treatment. These prohibitions are reflected in various treaties and statutes that were and are binding on the defendants. These include the international Convention Against Torture, the Geneva Conventions, the U.S. War Crimes Statute and the federal Torture Statute. U.S. statutes provide long prison sentences and even the death penalty for those who torture. These laws prohibit torture in any circumstances, by anyone—even if

ordered or committed by a head of state. These laws, as well as legal precedents, also define the types of prohibited treatment. The Convention Against Torture defines torture as “any act by which severe pain or suffering, whether physical or mental, is inten-

(Continued on next page)

Democracies are built on certain principles, and a key principle is that the authority of the executive is not above law.

tionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession.” International law, such as the Geneva Conventions, also prohibits less severe physical or mental pain.

Torture and war crimes are consid-

**We have to work the dark side...” – Cheney**

ered so serious by the international community that they constitute an international crime that can be prosecuted and punished, irrespective of where, by whom, or against whom the crime was committed. For such international crimes, the principle of universal jurisdiction applies—they can be prosecuted by any country.

**Systematic Torture.** The first evidence we will present to you is example after example of the use of torture—at Guantánamo, at Abu Ghraib, and at U.S. prisons and secret sites all over the world.

For example, CCR represents Guantánamo detainee Mohammed al Qahtani in a case in which defendant Donald Rumsfeld was directly involved. The case was documented in a Guantánamo interrogation logbook. Al Qahtani was interrogated on 48 of 160 days for 18 to 20 hours a day. He was stripped, made to stand with spread legs in front of female guards and mocked (so-called “invasion of space by a female”). He was forced to wear women’s underwear on his head and to put on a bra; he was threatened by dogs and led on a leash; his mother was called a whore. In December 2002, al Qahtani was the target of a faked abduction and rendition. He was kept in the cold and given substances intravenously without access to a toilet. At one point his heart rate fell to 35 beats per minute. Rumsfeld and Maj. Gen. Geoffrey Miller personally ordered practices that aimed to keep al Qahtani awake more than 20 hours per day for at least two months, but probably longer.

These interrogation techniques were outlined step by step in a memo. The December 2, 2002, memo, signed by Rumsfeld, allowed techniques like hooding, stripping, dogs, and sleep deprivation. At the end of this memorandum there is a note handwritten by Rumsfeld, which referred to the fact that prisoners were left standing in stress positions for up to four hours. In the note he wrote: “I stand 8 to 10 hours a day. Why is it limited to 4 hours?”

This is just one example. It is by no means unique; nor does it reflect the worst of the treatment. There are literally thousands of cases of such torture. As you will discover, these tortures did not happen by chance, they did not happen because of the fog of war, and they did not happen because of a few rogue soldiers. The torture of these human beings was authorized and

directed by the very defendants that are before you.

**Going to the Dark Side: The Case Against the Defendants.** The defendants did not hide their plans, and they gave us warnings. For example, shortly after 9/11, Vice President Cheney practically acknowledged that unlawful methods would be employed. In an interview on national TV, he stated: “We have to work the dark side, if you will.” Beyond public statements of their intentions, their memoranda, orders and actions deeply implicate the defendants in the authorization of torture.

On January 19, 2002, defendant Rumsfeld informed the chairman of the Joint Chiefs of Staff, Richard B. Myers, that those detained in the war against Afghanistan would not be granted prisoner of war status as would normally be required by the Geneva Conventions. They would not even be given hearings to determine if they were prisoners of war. The government would “mostly treat [the prisoners] in a way somewhat in accordance with the Geneva Conventions, namely, to the extent appropriate.” With these few words, defendant Rumsfeld opened the door to torture.

This Rumsfeld memo was followed by an extraordinary memo to the president written on January 25, 2002, by defendant Alberto Gonzales in support of Rumsfeld. This memo paved the road to Abu Ghraib. It said that we had to interrogate people, we had to give them summary trials, and Geneva’s provisions were obsolete because while they allow you to interrogate, they don’t allow you to treat people inhumanly. Gonzales noted that the U.S. War Crimes statute prohibits violations of the Geneva Conventions. So he said to the president, in effect: “Look, some prosecutor may come along in the future and decide that the way we’re treating people is inhuman, and the best way to avoid prosecution is simply to say the Geneva Conventions don’t apply. If they don’t apply, we can’t violate them.”

The president agreed with this memo and on February 7, 2002, issued a public statement denying prisoner of war status for the Taliban and any Geneva Convention protection to alleged terrorists. He said all detainees should be treated humanely—but, and it is a big but—only “to the extent military necessity required.” In other words, if torture was “required” by “necessity,” it was permissible.

Defendant Gonzales, with a push from Cheney and defendant David Addington, asked for more memos to

help make his argument that torture was legal; the most famous was called the Bybee/Yoo memo. That memo would also be used to immunize those who tortured.

In the memo he wrote with John Yoo, dated August 1, 2002, defendant Jay Bybee made at least two sharp departures from legality. First, he took what I call the Pinochet defense. Bybee basically said (I am paraphrasing), “In the name of national security, the president is exempt from laws prohibiting torture. The fact that we’re signatories to and have ratified the Convention Against Torture, that we have a criminal law against torturing people in or outside the United States, that the

**“...mostly treat [the prisoners] in a way somewhat in accordance with the Geneva Conventions...” – Rumsfeld**

Eighth Amendment to the Constitution essentially prohibits torture—none of that matters. And if the president can authorize torture, he can authorize

**“...the Geneva Conventions don't apply...” – Gonzales**

those under him to torture, and that will be a defense to a prosecution.”

Bybee also redefined torture very narrowly so that almost any coercive technique would not constitute torture. So taking a growling dog up to a naked man and saying “It’s going to bite your genitals off” is not torture under the Bybee/Yoo memo. Hanging someone from his wrists is not torture. Bybee and Yoo said roughly that “only physical pain that leads to organ failure or death is torture.” It was only at his confirmation hearing for attorney general in January 2005 that Gonzales said the Bush administration now rejected that narrow definition and had gone back to one that the world accepts: torture is intentionally inflicting significant pain, or putting someone in fear of serious physical injury. Even today, Gonzales and the administration hold to their view that noncitizens held outside the United States can be treated inhumanly and that neither the Geneva Conventions nor the Convention Against Torture protects them. Their argument is devoid of any legal merit.

In addition to the Gonzalez and the Bybee memos, we have the authorization for mistreatment and torture written by Rumsfeld. Did Rumsfeld foresee American soldiers piling naked prisoners in a heap in Abu Ghraib? I can’t say for sure. But did his policy—the memos he authorized that said we don’t have to pay attention to the Geneva Conventions, that we can use dogs against people, that we can use extreme interrogation techniques—lead to Abu Ghraib? Absolutely. Did

Rumsfeld authorize conduct that constituted war crimes? Absolutely.

After the U.S.-led invasion of Iraq in the spring of 2003, torture techniques were exported from Guantánamo to Iraq and used in the military prison of Abu Ghraib and other detention centers. This export was accomplished via a series of memoranda and instructions in whose production and implementation, according to the government’s Schlesinger investigation, the entire military chain of command was involved, including Lt. Gen. Ricardo Sanchez in Iraq and Maj. Gen. Geoffrey Miller, who had been in Guantánamo and then traveled to Iraq, up to Rumsfeld and to the president of the United States.

Continuing impunity for those who pulled the strings that led to war is not acceptable. Condoning American torture emboldens other governments of the world to continue what is unfortunately their own all-too-common practice. It is precisely this situation that the U.S. chief prosecutor

at the Nuremberg Trial, Robert Jackson, had in mind when he said in his opening speech on November 21, 1945:

Let me make clear that while this law is first applied against German aggressors, the law, if it is to serve a useful purpose, must condemn aggression by any other nations, including those which sit here now in judgment. We are able to do away with domestic tyranny and violence and aggression by those in power against the rights of their own people only when we make all men answerable to the law.

American torturers should not go unpunished.

*This article appeared in Amnesty International and was reprinted with the author’s permission.*



## Viewpoint: War Crimes? — Isn't that redundant? Putting the Bush Doctrine into Historical Context

by Kim Carlyle

*[W]ar is now always a war against civilians, and so against children. No political goal can justify it, and so the great challenge before the human race in our time is to solve the problems of tyranny and aggression, and do it without war.*

—Howard Zinn, historian and WWII veteran

### War is a Crime

War is organized chaos.

The organized part includes the design, production, acquisition, and deployment of a wide range of weaponry—some designed to kill people, some designed to destroy property. The organization part also includes raising armies and training them to kill and destroy. It involves transporting the trained troops and provisioning them.

The chaos part involves unleashing these armed, trained forces into rapidly-changing, dangerous situations where no amount of planning can anticipate the multitude of contingencies that arise or the reactions of the enemy and unfortunate civilian bystanders.

This orchestrated mayhem called war is inherently wrong. Huge amounts of resources and energy that could have been used to improve life are instead used to destroy. In 1953, President and former Supreme Allied Commander Dwight Eisenhower shared his wisdom:

Every gun that is made, every warship launched, every rocket fired signifies, in the final sense, a theft from those who hunger and are not fed, those who are cold and not clothed. This world in arms is not spending money alone. It is spending the sweat of its laborers, the genius of its scientists, the hopes of its children. This is not a way of life at all in any true sense. Under the cloud of threatening war, it is humanity hanging from a cross of iron.

Furthermore war is wrong because it turns decent human beings into killers. Young people who have spent their short lives learning that fighting and violence will earn them reprimands at home and detention at

school are recruited into the armed forces and systematically reprogrammed. In basic training a young recruit is taught to execute a heel stomp on his downed opponent's neck and to swing his rifle butt (as he might a Louisville Slugger) at his opponent's head or genitalia. On the bayonet range he is taught to respond as his drill sergeant shouts, "What's the spirit of the bayonet?" by screaming, "To kill!" And he is conditioned to dehumanize the "enemy of the day" into a kraut or a gook or a raghead.

This indoctrination to a culture of killing is, in itself, a crime against morality. Later when the trained soldier is thrust into a war zone—a volatile environment where the extreme use of force is likely and accountability is limited—crimes against humanity can be expected.

How is it possible that this malevolent form of human behavior—one that wastes our resources and dehumanizes our youth—can be sanctioned by the "civilized" social structures we call governments? Indeed, how can it be so frequently employed as a tool, often to the exclusion of all other alternatives, of foreign policy?

### Pros and Cons

The fifth century theologian Augustine of Hippo gave Western civilization the "Just War" theory—despite the fact that his religion is based on the teachings of the "Prince of Peace" who preached that we should love our enemies. This theory provides conditions under which the bloody and costly means—organized chaos—can justify the "honorable" end—correcting a wrong. Since Augustine's time, warring parties, usually both sides, have commonly and righteously rationalized the use of force.

But veteran warriors, such as Eisenhower, have reflected on its costs and become reluctant, even unwilling, to resort to war. Marine Major General Smedley Butler called war the oldest, most vicious, most profitable (for a very few) racket "in which the profits are reckoned in dollars and the losses in lives." He explained that American involvement in the

First World War was a business decision. The allies had told President Wilson they would be unable to pay their huge war debts to America if they lost; so we joined in the mayhem to save big business.

Even U.S. participation in the "Good War" of 1939-45, according to Mickey Z in *Saving Private Power*, had an important, if not primary, business-welfare motivation.

Continuing in the business theme, we cannot even justify war based on its costs/benefits ratio. The benefits, even if the "righteous" end is achieved, are minimal and momentary. While the costs that can be calculated are staggering—as Joseph Stiglitz and Linda Bilmes show as they peg the cost of Iraq with their book title, *The Three Trillion Dollar War*—and many of the costs—death, destruction, human suffering, and unintended consequences—are incalculable.

For example, one of the unintended consequences of World War I, due to the terms and conditions of the armistice, was World War II. Yes, wars beget wars. And an unforeseen (to the war mongers, anyway) result of the Bush-Cheney foreign policy escapades will be a new, highly motivated, and much larger generation of would-be terrorists.

So given the few benefits and huge costs, as well as the frequent disdain of former warriors, one might expect that human culture—which has developed the technology to transplant hearts and travel to the moon, and the creativity of symphony, poetry, sculpture, and other fine arts—might, after ten millennia of futile warfare, evolve away from use of force as a tool for achieving political goals. And this in fact began to happen a century ago.

### Ready for Change

Because of the magnitude of its carnage and cost and its ultimate futility, many people referred to The Great War of 1914-18 as the War to End All Wars. This indicates that at least some folks were ready to consider alternatives. But even before that, people were using means other than violence toward realizing their objectives.

In *A Force More Powerful*,

Peter Ackerman and Jack DuVall document nonviolent political struggles. Beginning in Russia in 1905 and continuing throughout the twentieth century, people across the world—South Africa, India, South America, the Philippines, Poland, the American South, to name a few—faced armed forces nonviolently. Each movement learned from its predecessors, improved on the tactics, and increased its level of success.

Clearly, as we entered the twenty-first century, humankind was poised to bring a halt to organized violence and even possibly to end all wars. We were ready for the next phase in the evolution of human culture.

### Bush's Regression

We were just on the verge of this advancement when George W. Bush issued his "doctrine" of preemptive war. This provided the basis for the neoconservative troglodytes to initiate a war of aggression. That's one reason why Bush's crimes are so reprehensible. They have set human cultural development back by generations.

Additionally, Bush's war in Iraq (and arguably Afghanistan) does not pass the laugh test for an Augustinian "Just War." That Iraq posed no threat was clear to U.S. intelligence, as well as to informed citizens. This war of choice—with no regard for Eisenhower's insight—came at a point when human and planetary needs demanded attention but the necessary energy, manpower, and resources were diverted to destructive ends. It did and does continue, as Butler would be quick to point out, to line the pockets of millionaires.

Iraq was clearly a war of aggression—the mother of all war crimes, to paraphrase Justice Robert Jackson. Sure, other recent presidents, perhaps all, probably committed war crimes, but those transgressions were minor in comparison and cloaked in legitimacy. The difference between Bush and his predecessors is the huge magnitude of his crimes and their costs, his bold and flagrant disregard for the U.S. Constitution and international law, and the legacy of "unforeseen" consequences his preemptive war has left for us. For this, Bush and his criminal administration must be held accountable.

## Letters

### Waterboarding is Torture

Many people that I encounter don't consider waterboarding to be torture! It's often regarded as akin to college fraternity initiation. I'm sure that this type of whitewash has its source in the likes of demagogues like Limbaugh—who have led a movement to reduce waterboarding into something of no consequence!

The reality is that at the end of WWII, we the people of the United States, through our military, hung the Japanese who waterboarded our U.S. soldiers. Waterboarding was considered a capital offense!

It is critical for Americans to understand that waterboarding is a crime that the U.S. has severely dealt with in the past. There should be no question in anyone's mind as to how offensive waterboarding is. There should be no question that this outrageous conduct is an offense worthy of execution!

We must educate the people of America to the reality of waterboarding and not allow it to be whitewashed into something that is just another Bush-Cheney lie.

Duh! It's not just a college prank! Wake up America!

Dan Nowak  
Zion, IL

### A Message from France

I don't think that "demanding" that Bush and his administration be prosecuted will do it. You Americans don't even have the right to manifest [demonstrate] in the street, contrary to Europeans who would force the government to listen to the people and respond. Your efforts—which will only make the news when they have nothing else to show about Britney or Lindsay—won't bring him and his acolytes to court.

I think that, maybe, with the help of "maverick" lawyers, the people of America can start a class action against an administration who destabilized and ruined the country, lied to its people, created conflict everywhere—I mean there are plenty of charges to use against them! Beginning with the families who lost a husband or a son in a nonsense war based on lies and personal interest, to

(Continued on next page)



the ones who lost a loved one who committed suicide because of losing everything in a broken economy, believe me we will find enough people to make this class action.

This would be a premiere and would certainly tell the ones on top, in all countries, "Don't f--k with your people, we are not sheep; we elected you to serve our interest and well-being and not to fill up your pockets with our money and labor."

Diane (last name withheld)  
Paris, France

### Fight with Your Kids

I have long thought that we should not engage in any war unless those government officials responsible for that decision send their own children first. Only then would they realize the depressing, emotional abyss these families of our soldiers find themselves in. Only my imagination can begin to approach their angst, their desperate helplessness. I am so sorry for these last eight years.

M. A. Carlyle  
Oak Park, IL

### Bush is not Alone

If there is no statue of limitations for war crimes, then rest assured, Bill Clinton should also be tried. Bombing an aspirin factory to reduce focus on his oval office tryst was every bit a war crime as what you are accusing George Bush of.

Anonymous post at  
WarCrimesTimes.org

[Editor's response: Please see Viewpoint on page 8 and Must We Forget U.S. History on page 2.]

*War should be made a crime, and those who instigate it should be punished as criminals.*  
—Charles Evans Hughes



## The United States and Israel: Partners in Crime

by Joel Kovel

Israel's brutal invasion of Gaza horrified much of the world and provoked widespread condemnation. But there was one corner of the world, a very important corner it may be added, where a casual observer might have concluded that nothing wrong was going on in that tiny and tortured sliver of land. That place was Washington, DC where neither the outgoing nor the incoming President had anything meaningful to say about massive degrees of human suffering in Gaza, and where both houses of Congress passed, as they have done so often over the years, resolutions supporting "America's best friend and Strategic Asset"—the Senate unanimously, the House with but five dissenting and 22 "present" votes. It seems that nothing can pry apart the two partners.

The Washington consensus on Israel enables and conceals a remarkable kind of symbiosis between two world-class killing machines. It's a complex relationship, in a considerable amount of flux. But it keeps going because both partners, despite a quarrel now and then, really need each other.

It's easy to see that Israel needs the United States, but much harder to grasp the full extent of the ties that bind, even in economic terms. The well-known amount of overt aid, some \$3-4 billion or about \$10 million a day, is a pretty spectacular payout. But it only begins to tell the story, even in terms of money. We have to add in the loan guarantees, the payment at the beginning of the fiscal year in lump sums so that interest income will be generated, the free Caterpillar bulldozers that destroy Palestinian homes—and create real estate values in Israel, the donations from Diaspora Jews, the purchase of properties in the (illegal) settlements, and even, remarkably,

the tax breaks Americans get for donations to the IDF, or Israel "Defense" Force. (As long as it's not directly for weaponry, you can donate to the nice boys in the Israeli military, say, for a volleyball court on one of their bases, and have Uncle Sam foot the bill.)

Don't worry, though, there are other paths for weapon-dollars to flow through the economies of the partners. It is literally impossible to measure the wealth that enters Israel through the conduit of their armament industries, one of the world's largest. The complex

weapon systems required for wars waged by modern civilization are, like computers, cars, and passenger planes, made in many places and with endless border transiting. The only certainty is that somebody on each side is raking in a lot of money. And to be sure, making use of the weapons.



Without advanced weapon systems bestowed by United States arms makers like Boeing, Raytheon, and Lockheed Martin, Israel would never be able to police its illegally occupied territories or spread terror throughout the region. And policing needs more than weapons. Surveillance is a prime need, too, and surveillance is what the Zionist state gets, for example, from the Motorola company, which has built a complex network across the West Bank territories. Along with the weapons themselves, comes a high degree of joint military preparedness.

In each of Israel's last two wars, Lebanon in 2006 and Gaza in 2008-9, extensive joint planning was done by the Pentagon along with the IDF. And in all these escapades Israel's giant patron threw in unlimited supplies of free fuel, paid for by American taxpayers.

As all these enterprises make

it possible to be a modern imperial/colonial power, and as the power of the militarized state is essential for realizing the Zionist dream, we can see the absolute need for Israel to curry favor with its patron: without that aid, Israel simply would have no chance of sustaining the Zionist dream of a Jewish state in historic Palestine. Indeed, if the United States withdraws its helping hand, Israel collapses.

A question remains: Why would the United States go to such lengths to sustain Israel? We know much about *how* the United States is led to do this. It is led by Israel lobbies that use financial muscle and other forms of control to keep Congress and the executive in line like so many trained circus animals.

But there's more to it than that, because Israel has done a great deal of service that helps the United States remain a modern imperial/colonial power.

From 1967 on, Israel has done "dirty tricks" that the United States is reluctant to engage in because of public relations concerns. Thus Israelis have helped train death squads in Central America and in Iran under the Shah, thus sparing America the discomfort of being seen aiding the most brutal and anti-democratic regimes.

In addition, Israel is a testing ground for military tactics and weapon systems. They have peddled their expertise in dealing with urban unrest to the conquerors of Iraq. And they have experimented with new weapons of gruesome destructivity for the United States.

Gaza and Lebanon have been laboratories for testing new weapons, for example, the "DIME" system (for Dense Inert Metal Explosive). The DIME metal is tungsten, which turns into extremely deadly shrapnel over a short range, such as would be useful in crowded urban settings like Gaza—or Baghdad, or Karachi.

Similarly, white phosphorus shells made in the USA were tested for Uncle Sam in Gaza by

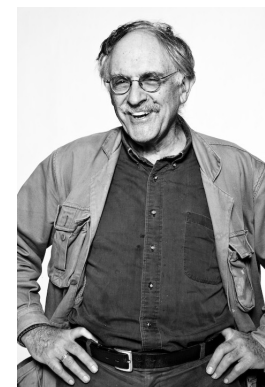


the ever-willing IDF, as have been the latest wrinkles in Depleted Uranium weaponry.

The third and most basic service that Israel renders is strategic. The fundamental point of its foreign policy is to sow regional chaos, weakening Arabic states and keeping the Arab masses impoverished and politically ineffective. This removes obstacles to the program of ethnic cleansing at the heart of the Zionist dream. The United States benefits by having social forces checked that would challenge imperial control over the great oil/gas wealth of the region. There is no contradiction between these goals. It follows that the two projects, of Zionist Israel and imperial America, are actually two sides of the same project.

This realization should shape political resistance. One of the great weaknesses of the anti-war movement over the years since the first Gulf War has been to decouple anti-Zionist politics from anti-war politics. But inability to challenge Israeli aggression as another side of United States aggression has deeply compromised and weakened the movement.

Now, the barbarity in Gaza along with the slide toward fascism in Israel has brought more and more people into opposition to Israeli crimes. The same process can bring them together in a unified movement against war, imperialism, and Zionism itself. And this can really begin to make a difference as we struggle against the enemies of humanity.



*Joel Kovel works a lot on two main projects: challenging Zionism and the Zionist lobbies (Overcoming Zionism); and working toward an ecosocialist transformation to save humanity and nature from capitalism (The Enemy of Nature).*

# Gross Injustice: In America, we're locking up mothers— While the War Criminals walk free

by Clare Hanrahan

*In America*

*We're locking up mothers*

*While the war criminals walk free*

The U.S. imprisons more persons than any other nation in the world—a staggering 2.3 million. Most of the people



sentenced to prison are Black. African-American women are the fastest growing and least violent segment of the prison population, sentenced most often for non-violent drug, property-related and public order crimes.

Under federal conspiracy law, women who don't sell drugs but merely have the bad luck or poor judgment to be associated with people who do often receive the same, or even longer, sentences than the actual drug dealer.

As of June 2006, according to the Correctional Association of New York, at least 203,100 women were locked up in state or federal prisons or local jails. Of these women, as many as seventy percent are mothers who were forced leave behind an estimated 200,000 children.

In the War on Drugs, like the War on Terror, most of the

victims are women and children of color.

Researchers attribute the explosion of the prison population and its racial disparity to the aggressive street-level enforcement of drug laws and harsh sentencing of drug offenders. Nonviolent prisoners are locked away for five- to twenty-years or more in overcrowded jails and prisons where their labor is exploited, their health needs neglected, their distant families unable to afford a visit, and their dignity and human rights systematically violated. Imprisoned parents also face potential loss of parental rights. Upon release drug felons are denied access to educational assistance, subsidized housing and welfare benefits—for life.

*In America*

*We're locking up mothers*

*While the war criminals walk free*

*free*

In the so-called War on Terror, George W. Bush and his criminal administration conspired to undermine U.S. and international laws against torture; they approved secret electronic surveillance against American citizens and secret torture prisons throughout the world; they violated the U.S. Constitution they were sworn to uphold. They lied the country into an illegal war and squandered the lives of thousands of U.S. soldiers and millions of Iraqi people, mostly women and children.

In the War on Terror, like the War on Drugs, most of the

victims are women and children of color.

George W. Bush and his criminal administration authorized bombing of hospitals, bridges, water treatment plants, schools, and shelters. These are crimes against peace, crimes against humanity, and war crimes.

*In America*

*We're locking up mothers*

*While the war criminals walk free*

For America's imprisoned mothers, the forced separation from their children is one of the cruelest aspects of their

**George W. Bush and his criminal administration authorized bombing of hospitals, bridges, water treatment plants, schools, and shelters. These are crimes against peace, crimes against humanity, and war crimes.**

incarceration. Imprisoned women have been forced to give birth in shackles, to hand over their newborn infants to prison authorities and then return with empty arms to their prison cell to serve out the remainder of their unjust sentence.

Women prisoners receive inadequate or long-delayed treatment, if any, for substance addictions; they are subjected to sexual abuse by prison staff, isolated in punishment cells for minor infractions, and forced to work for slave wages in prison factories that lack



even basic safeguards for health and safety.

According to Bonnie Kerness, Co-Director of the American Friends Service Committee Criminal Justice Program, the U.S. criminal justice system works just as it was intended—as a method of social control.

“There is no way to look into any aspect of prison or the wider criminal justice system without being slapped in the face with the racism and white supremacy that prisoners of color endure. Every part of the criminal justice system falls most heavily on the poor and people of color,” she writes. “...it works

perfectly as a matter of both economic and political policy.”

Yet George W. Bush and his murderous co-conspirators walk free.

The connections between slavery and the criminal justice system, between U.S. domestic policies toward people of color and U.S. international policies towards countries of color are stark.

As we welcome a new dawn in America's leadership, we must demand the prosecution of

George W. Bush and his administration for crimes against peace, crimes against humanity, and war crimes perpetrated in his failed and misguided War on Terror.

“To simply let those officials walk off the stage sends a message of impunity that will only encourage future law breaking,” says Michael Ratner, a human rights attorney and President of the Center for Constitutional Rights. “The message that we need to send is that they will be held accountable.”

And we must also insist on the release of the one million non-violent prisoners of the racist and failed War on Drugs who have been enslaved as profitable commodities in prison work camps. The millions spent on such abusive and revolving door incarceration should be redirected into re-entry programs emphasizing education and job training, substance-abuse counseling and mental health care, affordable housing and community revitalization.

*How long, America*

*Will we lock up Mothers*

*While the war criminals walk free?*



*Clare Hanrahan is a free-lance writer, editor, and social justice activist. She is a graduate of Southern Methodist University and an alumna of Alderson Federal Prison, where she served a six month sentence in 2001-02 after engaging in peaceful protest. Hanrahan edited the books: Opposing Viewpoints: America's Prisons, and Opposing Viewpoints: The Legal System. She also wrote two books based on her prison experience: Jailed for Justice: A Woman's Guide to Federal Prison Camp, and Conscience & Consequence: A Prison Memoir. She is the sister of two deceased Marine veterans of Viet Nam, a founding member of War Resisters League Asheville (NC), and a member of National War Tax Resistance Coordinating Committee. Hanrahan is an associate member of VFP, Chapter 099 (Asheville, NC). Her blog is <http://www.Ashevilleontheground.blogspot.com>*

# A Victim of War Crimes: Baneen's Story

by Diane Sommer

*Editor's note: "To initiate a war of aggression, therefore, is not only an international crime; it is the supreme international crime differing only from other war crimes in that it contains within itself the accumulated evil of the whole." Robert H. Jackson's words at Nuremberg remain poignant as we read Diane Sommer's heartrending account of Baneen. This is but one story of millions in the accumulated evil unleashed by Bush's supreme international crime in Iraq.*

A dark brown scarf is wrapped around Baneen's head and neck to hide the scar on her throat. But there is nothing that can mask the torment and pain imprinted on her dark eyes, eyes that have witnessed atrocities most people cannot comprehend.

I traveled to Damascus, Syria in November 2008 with activist documentary filmmaker, Andrew Courtney, to assist in finishing a film project he started in June 2008. The film concerns the estimated one to 1.4 million Iraqi refugees who live around Damascus. Andrew and I revisited several Iraqi refugee families he had documented during his June visit to find out if anything had



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changed with their living conditions or resettlement status. While each refugee family holds its own unique circumstances and chronicle of

torture, I was most touched by the story of twelve-year-old Baneen, her parents, and her six siblings.

Baneen's family has been traumatized by many encounters of extreme violence inflicted by the militia. Her mother Nahida is Sunni; her father Abdul is Shia. Before the U.S. occupation, they lived comfortably in a middle-class neighborhood in Baghdad, Iraq's capital, where Sunni, Shia, and Christians lived peacefully, in close proximity. Nahida was a member of the Ba'ath party, of which Saddam Hussein was a leading member. In December 2003, eight months after the U.S. invasion, Hussein was captured by U.S. forces, leaving Iraq without a leader. The groups which had been repressed under his thumb came out in droves to assert their revenge.

In 2006 masked people with guns, aware of Nahida's affiliation with the Ba'athist party, opened fire on her home, beat her in the head, and then kidnapped her for ten days. They said she was a Ba'athist, a Saddam element, and a criminal. Shortly thereafter another gunman came to her home and shot out the lock on the front door. When her oldest son tried to stop them, they overtook him, promptly beheaded him, and threw his head onto his younger brother's lap.

Abdul was kidnapped. Held for 49 days, beaten daily, and tortured with electric cables, he was finally thrown into a dumpster where he was found paralyzed, at the brink of death. Children playing near the dumpster discovered him and obtained medical assistance.

A scarf hides the scar on Baneen's throat. Her dark eyes have witnessed atrocities most people cannot comprehend.

Ten-year-old Baneen was attending primary school in Baghdad at the time. One day the militia invaded her school and forced the school director to hand twelve children over to them. Baneen was one of the children. The twelve were forced onto a bus, where all were beheaded—except for Baneen. She watched in horror as one of the men began to cut her neck. But someone had informed U.S. soldiers who then followed the vehicle, and Baneen was thrown out of the bus before they could cut any deeper. The soldiers took her to a nearby military base for treatment. After three days she was released and reunited with her family.

In an ultimate act of violence, Baneen's family's house was raided and blown up—everything was destroyed. The police helped them obtain new identification and their friends and acquaintances raised funds to help them flee to Syria on a bus. They now live in a tiny apartment in Damascus. Nahida, paralyzed Abdul, and their six remaining children have lived there for almost three years. Baneen's two teenaged brothers stopped going to school in order to help support the family. They secretly work common jobs. Refugees in Damascus are not allowed to work, yet they must still find a way to pay their rent and for food. This dilemma leads to a plethora of problems, including lack of education for children, prostitution, malnutrition, and homelessness.

The campaign of deceit that was designed to sell the Iraq war was the first of a series of war crimes by George W. Bush and his administration. It led to that fateful joint resolu-



She wore a tee-shirt with a message:  
"Happy World"

tion passed by the House and Senate in October 2002—"Authorization for the Use of Military Force Against Iraq"—which gave Bush authority to use military force in Iraq. That was the match that ignited the fire of pandemonium, which destroyed an entire country.

On account of Bush's war, sectarian violence and lawlessness erupted and millions of Iraqis have been targeted and harmed because of their religious affiliations, professions, and ethnicities, or because they worked with Americans in any capacity—military, media, or contractors.

According to the Iraqi Body Count database, an estimated 1,311,700 Iraqis have died as a result of the war. The Office of the United Nations High Commissioner for Refugees estimates that more than 4.7 million Iraqis have left their homes, many in desperate need of humanitarian care. Of these, more than 2.7 million Iraqis are displaced within Iraq, while more than 2 million have fled to Syria and Jordan.

The day I met Baneen, she wore a tee-shirt with a message written in English in large freeform letters. It read "Happy World." Although

dreadful memories and fearful images must flood her mind daily, Baneen said she will never give up hope for a peaceful world. Perhaps one reason she was spared from certain death was for our chance encounter; so I could hear her story and share it with the world. She just might become a great leader in the peace movement one day. I promised Baneen, and all of the refugees I met, that I would share their stories of despair and courage with Americans.

The mainstream media in the U.S. does not give due coverage to the victims of war crimes, for if the numbers could speak, it would inundate the news and arouse the public. In consideration of this media negligence, we, the People, must forge ahead with prosecuting the Bush/Cheney Administration for war crimes and crimes against humanity. We must bring liberation to our own country, and as a result, to every country in the world. Liberty rejects divided consciousness and embraces the formation of global unity.

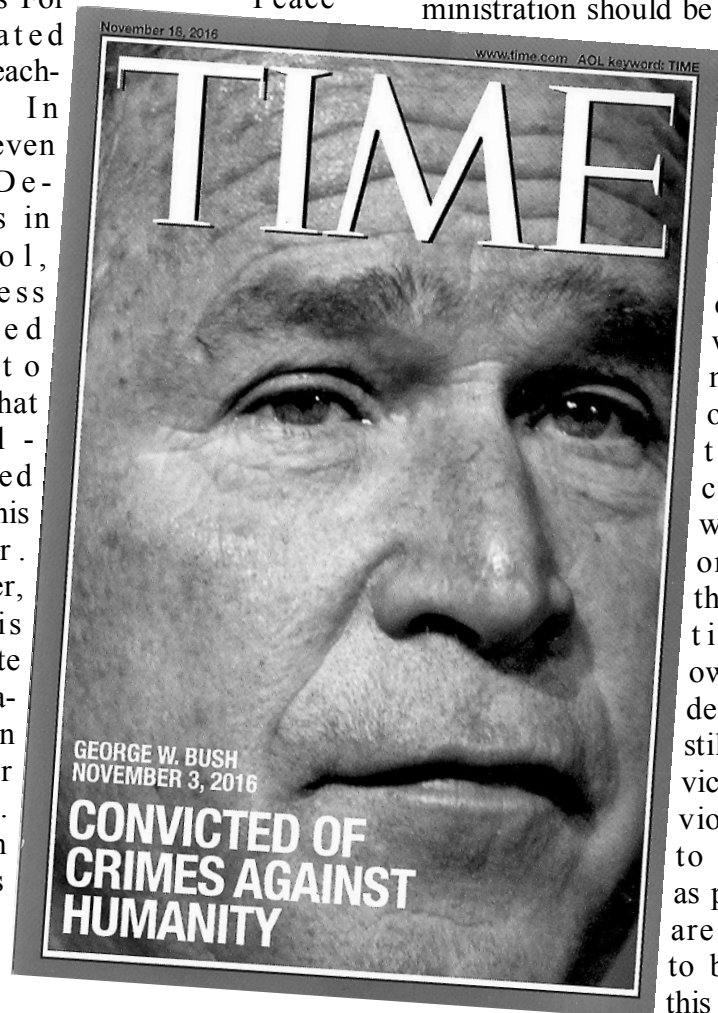
Let there be unbounded liberty and justice for all beings everywhere.

## No Statute of Limitations on War Crimes

From the beginning of George W. Bush's second term in 2004, Veterans For Peace

advocated his impeachment. In 2006, even with Democrats in control, Congress allowed him to avoid that well-deserved end to his career. However, there is no statute of limitations on war crimes. Bush and his administrators have

violated a long list of domestic and international laws during the invasions and occupations of Iraq and Afghanistan.



VFP has resolved that Bush, Cheney and members of that administration should be prosecuted

for war crimes "no matter how long it takes." We will work in coalition with the numerous organizations and citizens who insist on bringing them to justice. We owe it to the dead and the still-suffering victims of his violence and to ourselves as people who are supposed to be running this nation.

—Mike Ferner, VFP president

Time cover parody by www.Globalware.org



*How many ears must one person have  
before he can hear people cry?  
And how many deaths will it take till he knows  
that too many people have died?  
And how many years can some people exist  
before they are allowed to be free?  
And how many times can a man turn his head  
and pretend that he just doesn't see?  
The answer, my friend, is blowing in the wind  
The answer is blowing in the wind.*

[www.damascus-online.com](http://www.damascus-online.com)

Lyrics from song by Bob Dylan

**"...what we have to focus on is getting things right in the future, as opposed to looking at what we got wrong in the past." —President Barack Obama**

**"The past can be prologue for the future unless we set things right." — Senator Patrick Leahy**

**"We have to learn the lessons from this past carnival of folly, greed, lies, and wrongdoing, so that the damage can, under democratic processes, be pointed out and corrected." —Senator Sheldon Whitehouse**

## VETERANS' GROUP SAYS LEAVING 50,000 TROOPS IN IRAQ IS NO "WITHDRAWAL"

A national veterans' organization today objected to calling President Obama's announcement on Iraq a "withdrawal," adding that keeping troops there and in Afghanistan will "put the nail in the coffin of America's economy."

Veterans For Peace, referring to several published reports that the Obama plan will leave 50,000 or more troops in Iraq, and pointing to the buildup already underway in Afghanistan, warned that such policies will have the same effect on the new President as the Vietnam War did on Lyndon Johnson's plans for the Great Society.

"I really believe President Obama wants to do good things for the country," said VFP president, Mike Ferner, "but if he continues on this course he's charted, his hopes are guaranteed to founder on the shoals of war. This way lies disaster. For all our sakes, I hope he reconsiders." The 58-year-old former Navy Hospital Corpsman added, "Besides the suffering and death caused by prolonging these wars, America simply can no longer afford the cost of empire. Unfortunately, that's exactly what these policies do. Their purpose is to control an entire region of the world and its resources. If you look at history, it's clear the long term outlook for empires is not very pleasant."

Ferner concluded that "Barack Obama became president in part because millions of voters were sick of these wars and wanted them stopped, period. Saying that only 'non-combat' troops will be left after 19 months is just sleight of hand so we can keep tens of thousands of soldiers in Iraq and send thousands more to Afghanistan."

