

WAR CRIMINALS STILL AT LARGE!

AMERICA DEMANDS JUSTICE: INDICT BUSH, CHENEY & CO.

Obama Should Prosecute Bush Officials Who Designed Torture Policy

by Michael Ratner

One of Barack Obama's first acts as president should be to instruct his attorney general to appoint an independent prosecutor to initiate a criminal investigation of former Bush Administration officials who gave the green light to torture.

At Obama's press conference on Dec. 1, he spoke of upholding America's highest values as he introduced Eric Holder as his choice for attorney general. Holder insisted there was no tension between protecting the people of the United States and adhering to our Constitution.

A few months ago, Holder was even more explicit. "Our government authorized the use of torture, approved of secret electronic surveillance against American citizens, secretly detained American citizens without due process of law, denied the writ of habeas corpus to hundreds of accused enemy combatants and authorized the use of procedures that violate both international law and the United States Constitution," he said. "We owe the American people a reckoning."

The day of reckoning is fast upon us.

If Obama and Holder want to adhere to our Constitution and uphold our highest values, they must pursue those in the

Bush Administration who violated that Constitution, broke our laws, and tarnished our values.

Read the words of Lt. Gen. Antonio M. Taguba, who investigated the Abu Ghraib scandal for the Pentagon. "There is no longer any doubt as to whether the current administration has committed war crimes," he concluded. "The only question that remains to be answered is whether those who ordered the use of torture will be held to account."

Despite Taguba's words and reams of documentation supporting his statement, there has been little discussion about holding officials accountable for their design and implementation of the torture program.

We need to make it clear, just as we do in cases with the most minor offenses, that actions have consequences. To simply let those officials walk off the stage sends a message of impunity that will only encourage future law breaking. The message that we need to send is that they will be held accountable.

A popular refrain in Washington these days is that criminal prosecutions would be an unnecessary look backward. Some argue that in order for the new administration to move forward, presidential pardons should be granted and

(See OBAMA on page 4)

Former Officer and Diplomat Asks New Leader to Restore Rule of Law

By Ann Wright, Retired US Army
Reserve Colonel & former US diplomat

After having served in eight Presidential administrations during my 29 years in the US Army/Army Reserves and 16 years as a United States Diplomat, I resigned on March 19, 2003 in opposition to the decision of the Bush Administration to invade and occupy Iraq.

Since 2003, the American public and Congress have been presented with evidence that President George Bush, Vice-President Dick Cheney, Secretary of Defense Donald Rumsfeld, Secretary of Defense Colin Powell and National Security Advisor Condoleezza Rice purposefully and knowingly misled the American people, the United States Congress, the United Nations and the world with false intelligence about Iraq's alleged weapons of mass destruction, the original rationale the Bush Administration gave for the need for military action against Saddam Hussein and Iraq.

When British deputy chief of legal affairs for the British Foreign Service, Elizabeth Wilmshurst, resigned, she specifically put in her March 20, 2003 letter of resignation to British Prime Minister Tony Blair, that use of force against Iraq without a United Nations Security Council authorization amounts to the "crime of aggression." A crime of aggression is a crime against the peace, and by international law is a war crime.

The "Downing Street Memos" written by senior

(See DIPLOMAT on page 10)

BANNER SAYS IT ALL



Vets Demonstrate at Archives

A group of veterans calling for the arrest of George W. Bush and Richard Cheney as war criminals occupied the ledge over the visitors' en-

trance to the National Archives in Washington, DC on September 23. Spokesman Tarak Kauff told reporters,

(See VETERANS on page 7)

MEDIA COMPLICIT US Journalists and War-Crime Guilt

by Peter Dyer

On Oct. 16, 1946, Julius Streicher was hanged.

Streicher was executed at Nuremberg and except for him, all who were sentenced to death were major German government officials or military leaders.

Julius Streicher was a journalist. Editor of the newspaper Der Stürmer, Streicher was convicted of "incitement to murder and extermination at the time when Jews in the East were being killed under the most horrible conditions clearly constitut(ing)...a crime against humanity."

British prosecutor M.C. Griffith-Jones said: "it may be that this defendant is less directly involved in the physical commission of the crimes.... The submission of the Prosecution is that his crime is no less the

worse...(he) made these crimes possible which could never have happened had it not been for him and for those like him. He led the propaganda and the education of the German people..."

The critical role of propaganda was also affirmed in the testimony of the most prominent Nazi defendant, Hermann Goering: "Modern and total war develops...along three lines: the war of weapons...economic war...and, third, propaganda war, which is also an essential part of this warfare."

After Nuremberg, the United Nations passed resolutions declaring: "Freedom of information requires....the moral obligation to seek the facts without prejudice and to spread knowledge without malicious intent" and con-

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And More...**

War Crimes Documented

Broken laws

U.S. Constitution. “This Constitution...and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land.

War Crimes Act of 1996. Defines a war crime as: “...a grave breach in any of the international conventions signed at Geneva 12 August 1949, or any protocol to such convention to which the United States is a party...,” punishable by being “...fined under this title or imprisoned for life or any term of years, or both, and if death results to the victim, shall also be subject to the penalty of death.”

U.N. Gen. Assembly Res. 3314. Defines the crime of aggression as “...the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State...or in any other manner inconsistent with the Charter of the United Nations...”

Nuremberg Tribunal Charter Principle VI: “The crimes hereinafter set out are punishable as crimes under international law:

→*Crimes against peace:* Planning, preparation, initiation or waging of a war of aggression or a war in violation of international treaties.

→*War crimes:* ...murder, ill-treatment...of civilian population or in occupied territory; murder or ill-treatment of prisoners of war...plunder of public or private property, wanton destruction of cities, towns, or villages...

→*Crimes against humanity:* Murder, extermination...and other inhuman acts done against any civilian population...when such acts are done...in execution of or in connection with any crime against peace or any war crime.”

The Geneva Conventions: Protocol I, Article 75: “...persons who are in the power of a Party to the conflict... shall be treated humanely in all circumstances...The following acts are and shall remain prohibited...

- violence to the life, health, or physical or mental well-being of persons...

- outrages upon personal dignity, in particular humiliating and degrading treatment...

Protocol I, Art. 51: “The civilian population...shall not be the object of attack.

Broken country



Broken people



A few specifics:

Illegal Invasion

⇒ By invading Iraq, Bush committed the crime of aggression—“The use of force” in a manner “inconsistent with the Charter of the United Nations.” The United States has condemned such aggression in the past. In 1956 when Great Britain, France, and Israel invaded Egypt, And in 1978 when Vietnam attempted to overthrow the brutal Khmer Rouge in Cambodia, the U.S. insisted that the UN Charter must be upheld.

Torture and Murder of Detainees

⇒ President Bush issued an order on February 7, 2002, that set forth policies that led to willful killing, torture, inhuman treatment, and great suffering or serious injury to body or health of prisoners in U.S. custody in Afghanistan, Iraq, and Guantanamo Bay.

⇒ Two Afghan prisoners who died in American custody in Afghanistan in December 2002 were chained to the ceiling, kicked and beaten by American soldiers in sustained assaults that caused their deaths, according to Army criminal investigative reports.

⇒ At least 26 prisoners have died in American custody in Iraq and Afghanistan since 2002 in what Army and Navy investigators have concluded or suspect were acts of criminal homicide, according to military officials

Civilians Targeted

⇒ In January 2005, American Friends Service Committee reported that in Fallujah, 40% of the buildings were completely destroyed, 20% had major damage, and 40% had significant damage. That is 100% of the buildings in that city.

⇒ Abu Hammad said he saw people attempt to swim across the Euphrates to escape the siege. “The Americans shot them with rifles from the shore,” he said. “Even if some of them were holding a white flag or white clothes over their heads to show they are not fighters, they were all shot...The Americans made announcements for people to come to one mosque if they wanted to leave Fallujah, and even the people who went there carrying white flags were killed.”—Dahr Jamail of Inter Press Service reporting on Fallujah, 11/26/04.

Bush's War Policy: A Crime Against Families

by Elaine Brower

In 2001 when we invaded Afghanistan, my son, James, had been a Marine for over a year. A child of the 60's, I had been against his enlistment, but I was assured that we had entered the “New Millennium”—when peace, prosperity, and cooler heads would prevail. Never again would we see a Viet Nam; that was behind America.

On September 11th, the moment that first plane hit the Twin Towers, I knew we would be at war. James had phoned me at three that morning from Australia. In good spirits, he was heading to East Timor for humanitarian missions. But I knew his unit would be called for whatever the Commander-in-Chief deemed appropriate and, instinctively, I didn't trust President Bush.

And so it began. The first Marine Ex-

peditionary Unit went into Afghanistan; they pushed on to Kandahar, searching for the alleged perpetrator of the 9/11 attacks. James would call me whenever he could, recounting details of his missions in the caves looking for “bad guys.” I hoped that the searches would result in capture of the “bad guys” and put an end to the aggression. As months went by, he became increasingly frustrated, as did I. Those 3:00 A.M. phone calls were horrific, and the evening news was worse.

(See FAMILIES on page 4)

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WCT is partially funded by *Veterans for Peace* (veteransforpeace.org), which is not responsible for opinions expressed within. VFP has resolved to see that Bush and Cheney are prosecuted for war crimes no matter how long it takes. There is no statute of limitations on war crimes.

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

Note: The Veterans for Peace website is the source of information on this page. This is a short list of laws violated by the Bush Administration and a very short list of specific violations. For a more information see veteransforpeace.org/Case_for_impeachment.vp.html and squadron13.com/Impeachment/default.htm.

CASE IS SOLID: War Crimes Must Be Tried

By Jesselyn Radack

If not now, when? War crimes charges should be brought against, among others, former Defense Secretary Donald Rumsfeld; William J. Haynes, Rumsfeld's legal counsel; Alberto Gonzales, former White House Counsel and Attorney General; and David Addington, Vice President Dick Cheney's former chief of staff.

This is not just wishful liberal thinking. It is the case made by a bipartisan report by the Senate Armed Services Committee. The report shows how these men's actions "led directly" to the lawless behavior that permeated Afghanistan, Guantanamo Bay, Abu Ghraib, and the entire archipelago of American-controlled secret prisons throughout the world.

Most Americans never believed the lie that the photographs from Abu Ghraib just captured a few low-level soldiers gone wild. Rather, the Senate report concludes that the Rumsfeld cabal methodically introduced coercive interrogation techniques based on illegal tortures devised by Chinese agents during the Korean War. Rumsfeld, Haynes, Gonzales, and Addington issued legally indefensible and morally bankrupt opinions to justify their actions and proactively immunize themselves

from accountability.

A presidential order started the ball rolling by stating that the Geneva Conventions did not apply to prisoners of the "war on terror." That led to the infamous redefinition of torture by the Justice Department as acts equivalent in intensity to "organ failure, impairment of bodily function, or even death." Rumsfeld's authorization of "aggressive" interrogation methods followed shortly thereafter. Every branch of the military objected strenuously.

Although President-elect Obama wants to "look forward," it would be irresponsible for our country and a new administration to ignore what has happened, and may still be happening in secret CIA prisons. One of Barack Obama's first acts as president should

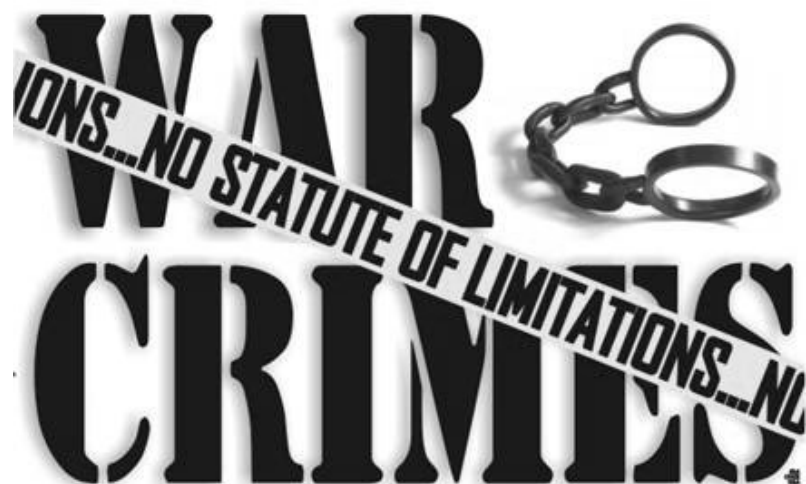
It would be irresponsible for our country and a new administration to ignore what has happened.

be to instruct his designated Attorney General, Eric Holder, to appoint an independent prosecutor to initiate a criminal investigation of war crimes allegations against former Bush Administration officials who approved torture and, if they are found to have merit, to prosecute the perpetrators.

Jesselyn Radack is a former U.S. Department of Justice ethics adviser who lost her job after objecting to the government's treatment of John Walker Lindh. She graduated magna cum laude Brown University and received her J.D. from Yale Law School.

Violence is the first refuge of the incompetent.

—Isaac Asimov



LESSONS IN LAW: Criminal Justice 101 and the Bush Administration War Criminals

By Coleen Rowley

An old curmudgeon of a criminal law professor taught the 101 class when I attended law school. He taught from a prosecutor's standpoint and often repeated himself, focusing so much on the essential theories of crime and punishment that most students thought his lectures beneath their intellectual dignity. But a couple of things the old guy effectively hammered into my head seem to be what's now blocking the seeking of any measure of accountability of members of the Bush Administration.

Lesson 1: Guilty Intent

About the different kinds of *mens rea* (guilty mind), no one needed much explanation to understand "deliberate, premeditated, cold blooded" first degree intent because that's the stuff of the movies. "Second degree" type guilt—that of unplanned crimes in the heat of passion—was also easy to understand. It was the third type of criminal intent—"recklessness"—which the law professor spent most of his time on. He used his favorite "Russian Roulette" hypothetical to distinguish it from first and second degree intent, as well as from mere negligence (for which no guilty intent and therefore no criminal culpability usually exists).

We must overcome a misunderstanding of criminal intent to build a case against members of the Bush Administration. We've been led to believe that their motives were good and they intended no harm. They only authorized torture techniques, for instance, to find hypothetically ticking time bombs or prevent the next terrorist attack. This is what Rush Limbaugh and other right-wing radio ranters keep repeating. But the bipartisan Senate Armed Services Committee "torture report" suggests that not all the "Deciders" were so well-intentioned. It's been revealed that they disregarded legal and practical advice about effective interrogation techniques

and about the dangerous consequences for our troops of violating the Geneva Conventions.

A full investigation would reveal their true motivations, whether "premeditated in the first degree," post 9-11 "heat of passion" induced, third degree recklessness or a bit of all

We must overcome a misunderstanding of criminal intent. We've been led to believe Bush Administration's motives were good.

three. As my old professor loved to point out, a person can't just pick up a gun that he knows has a bullet in the cylinder, spin the cylinder, then pull the trigger and say when it goes off, "It wasn't my fault because I was hoping for the empty chambers."

With his recent ABC interview, Vice President Dick Cheney put the smoking gun on the table. His unapologetic admission that he, along with other top administration officials, personally approved the CIA's waterboarding of prisoners means only one thing: he's relying on people to trust his "good" intent and/or Bush to pardon him.

Lesson 2: Purposes of Criminal Justice and Penal Systems

An incomplete appreciation of ALL of the valid purposes served by the criminal justice and penal systems is, I believe, the second major obstacle to possible prosecution of members of the Bush Administration. The public has a hard time getting past the "eye for an eye" vengeance that from earliest times sparked the development of both systems. Pundits tell people to just get over their bitter vengeful spirits, move on, and simply close the book on this painful chapter of American history.

It's not, however, that easy to turn the page and end the

error. Putting all vengeance aside—because criminal justice experts agree that vengeance is not a worthy purpose—there remain three other main valid goals: prevention, rehabilitation, and deterrence.

With a new administration taking power, restraining Bush Administration officials personally from committing any further crimes (prevention) and encouraging their personal rehabilitation are not so applicable. What IS indisputably at issue, however, even with the change of administrations, is the need to stop any unlawful conduct (like waterboarding) that may still be happening in secret CIA prisons not covered by the military's current ban.

Deterrence is the final and most important of the criminal justice/penal goals under these circumstances. Since the emphasis is on establishing the facts (investigation) and not punishment, deterrence could be accomplished with an independent panel like the 9/11 Commission or Church Committee. For, as the New York Times recently editorialized, "Unless the nation and its leaders know precisely what went wrong in the last seven years, it will be impossible to fix it and make sure those terrible mistakes are not repeated."

Empanelling such a commission on the complete range of abuses and illegalities would be a good start. Ferreting out the truth about torture and other war crimes would be best accomplished by non-biased, experienced criminal prosecutors like Patrick Fitzgerald, Vincent Bugliosi, and, yes, hardened old law professors, who understand the worthy goals behind our justice system.

Coleen Rowley received her J.D. from the University of Iowa in 1980 and became a Special Agent with the FBI. She was named one of the Time Magazine Persons of the Year for exposing FBI mishandling of intelligence prior to the September 11, 2001 attacks.

There is no flag large enough to cover the shame of killing innocent people.

—Howard Zinn

OBAMA

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a Truth Commission assembled to investigate the circumstances that gave rise to the brutal interrogations and deaths of prisoners in Afghanistan, Iraq, Guantanamo Bay and CIA black sites around the world.

But pardons would be the final refuge for an administration whose egregious violations of human rights have, for all too long, gone unpunished. And a Truth Commission is not applicable.

This is not Latin America; this is not South Africa. We are not trying to end a civil war, heal a wounded country and reconcile warring factions. We are a democracy trying to hold accountable officials that led our country down the road to torture. And in a democracy, it is the job of a prosecutor and not the pundits to de-

termine whether crimes were committed.

Criminal prosecutions are not about looking to the past; they are about creating a future world without torture. They will be the mark of the new dawn of America's leadership and our new era of accountability.

Prosecuting these officials would help the United States regain its moral standing in the world and to prove our commitment to upholding international human rights standards.

In his first nationally televised interview, President-elect Barack Obama made this promise: "I have said repeatedly that America doesn't torture. And I'm going to make sure that we don't torture."

The best way to do that is to prosecute those who designed the torture policies.

Michael Ratner is a human rights attorney and the President of the Center for Constitutional Rights.

Families

(Continued from page 2)

Everyone awaited Bin Laden's capture. But it became apparent that this was not going to happen. It wasn't for lack of effort or intelligence, but every time they blew up a cave and wanted to go in, they were "pulled back." By February, 2002, I knew there was more to the story. This government was up to something.

I started educating myself with real facts and information, not the evening news. I studied the "Project for a New American Century," and began to understand the real goal of the Bush Administration: American hegemony through military might. I felt betrayed.

James returned from Afghanistan, came off active duty, became a USMC reserve, and was deployed to Iraq. The 3:00 A.M. calls resumed—the horror stories, the death and destruction, the change in him, as well as in me. He saw friends blown apart; I went to the funerals here and met the families. The moms would ask, "Why?" I would answer, "Because your president is a liar, and took your child to his death for no good reason."

Funeral service after funeral service, the same cries, the



same grief were repeated. I became acutely aware of my own transformation. Once a military mom standing by her country, I became someone who stood up against what her country was doing.

James returned from Fallujah a changed man—hardened, sad, solemn, and inward. My entire family had been drawn into this mess created by an administration that took a sledgehammer to the good will of decent people like us. They smirked, spat in our faces, and lied about the reasons for war and for the deaths of our children. They took my good son James, a United States Marine with the best of intentions, and dashed his hopes of protecting America. They took a normal American family and dashed them against the granite steps of the White House—a story repeated thousands of times.

Again James, as a reservist, was deployed to Iraq and remains there today. He is disgusted with what he sees, what has happened, and why we did

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Depleted Uranium: An under-reported war crime

by Lyle Petersen

Perhaps you don't hear about depleted uranium from the mainstream news media because they believe it's safe and innocuous. But because it is, in fact, radioactive and deadly it should be a part of the discussion of war crimes.

In all things scientific, there are "data" — points of information; and "conclusions"—statements made after considering a specific set of data. When presented in news stories, data and conclusions are mixed with opinion, bias, nuance, and other factors to give you "facts" which you trust at your peril. So read this, mistrust it if you will, cross-check, argue, do anything—but take it seriously!

Misunderstanding begins with nomenclature. Uranium "enrichment" is not adding something, as in adding vitamins to "enriched" flour. It's more like distillation, where you take a mash with 10% alcohol and distill out a liquor containing 40% alcohol and leave behind a stillage with 3% alcohol. The residual stillage is like depleted uranium—less potent but not fully depleted. Given that the main isotope, U-238, has a base level of radioactivity, depleted uranium is still 60% as radioactive as natural uranium. Feeling safer? Read on.

For the military, DU is useful because of its extreme density—1.67 times that of lead. That gives it special value in armor-piercing projectiles, making the ballistics more favorable than those of lead, and giving it the ability to penetrate more without deforming. DU is used in some tank gun rounds, but mostly in 20, 25, and 30 mm weapons on attack aircraft and on light armored vehicles such as the Bradley.

But the kinetic property of the DU penetrator round is not more useful than the pyrophoric property, which means that on impact it begins to burn and vaporize and, after penetration of a target, releases a cloud of radioactive dust and vapor. The dust settles, until

the wind picks it up again, and it does no harm—unless it should get into lungs or open wounds. And even then, most of it is excreted from the body.

Now this might give you some comfort, knowing that not much of a potentially

deadly toxic element in the environment will get into your body, and if any does, only a little will remain and it won't accumulate—unless you keep breathing more in. (Are you comforted? Me neither.)

Some studies say that DU is not a significant health hazard. Other studies, of Gulf War veterans and hospital patients in Bosnia and Iraq, indicate a much higher incidence of malignant diseases and birth defects among people exposed to areas of DU use. If it was your decision to expose your soldiers and an unknown number of civilians to this stuff, which studies would you rely on?

The Geneva Convention considers DU a category II nuclear material, requiring

▪ *The U.S. Army and Air Force shot approximately 115 metric tons of DU between March 2003 and March 2004.* —Dan Fahey, "Summary of Depleted Uranium Test Results For Iraq War Veterans," March 2006

▪ *DU projectiles were exploded not only in uninhabited deserts but in urban centers such as Baghdad...* —Hillary Johnson, "Is The Pentagon Giving Our Soldiers Cancer?" Oct. 2, 2003, *Rolling Stone*

▪ *[DU] is a radiological and dangerous element which can cause generations of damage to human beings...Children, of course, are more susceptible to radiation-induced cancer than adults.*—Helen Caldicott, Nuclear Policy Research Institute

▪ *DU has a half life of 4.5 billion years...[it emits alpha radiation]...exposure to even a single alpha particle can initiate cancer...*—International DU Study Team brochure: *Depleted Uranium: Today's Agent Orange*

special protections, and states that parties to the Convention are obligated to ascertain that new weapons do not violate the laws and customs of war or international law. A chief prosecutor for the International Criminal Tribunal for the former Yugoslavia said that NATO's use of DU in Yugoslavia could be investigated as a possible war crime. The European Parliament has passed multiple resolutions requesting an immediate moratorium on the use of DU ammunition. The UN, however, has failed to pass any meaningful resolutions, in large part because of blockage by countries who have and want to continue to use DU weapons—France, Britain, Russia and the U.S. being the most prominent.

Where can this go, or where should it go? Isn't it most appropriate to begin by asking whether it would be a crime if an unknown quantity of a material whose toxicity is known and acknowledged (but its effects on a human population can't be determined) were released on the streets of Washington, DC or New York? Would courts or police departments wait for multiple epidemiological studies before making arrests or bringing charges? Would the people where the release took place be content to wait for statistical analysis of deaths, illnesses, and birth defects? If you think you know the answer, let's say it together: HELL NO!!!

The yawning silence over DU is simple to explain. It's being used "over there," far from us; being used on "them," the evil ones; and those most affected—the civilian population—are not only unaware of the danger, they have much more immediate problems to deal with.

Putting radioactive dust into an environment where humans can't avoid exposure and can't get treatment or protection is morally no different from putting cholera germs into the water or salmonella into the food supply. It's callous, it's detestable, it's barbaric, and by any civilized human standard, it's criminal.

Lyle Petersen is a past president of VFP Chapter 099 (Asheville, NC).

Cheney Throws Down Gauntlet, Defies Prosecution for War Crimes

By Marjorie Cohn

Dick Cheney has publicly confessed to ordering war crimes. Asked about waterboarding in an ABC News interview, Cheney replied, "I was aware of the program, certainly, and involved in helping get the process cleared." He also said he still believes waterboarding was an appropriate method to use on terrorism suspects. CIA Director Michael Hayden confirmed that the agency waterboarded three Al Qaeda suspects in 2002 and 2003.

U.S. courts have long held that waterboarding, where water is poured into someone's nose and mouth until he nearly drowns, constitutes torture. Our federal War Crimes Act defines torture as a war crime punishable by life imprisonment or even the death penalty if the victim dies.

Under the doctrine of *command responsibility*, enshrined in U.S. law, commanders all the way up the chain of command to the commander-in-chief can be held liable for war crimes if they knew or should have known their subordinates would commit them and they

did nothing to stop or prevent it.

Why is Cheney so sanguine about admitting he is a war criminal? Because he's confident that either President Bush will preemptively pardon him or President-elect Obama won't prosecute him.

Both of those courses of action would be illegal.

First, a president cannot immunize himself or his subordinates for committing crimes

that he himself authorized. On February 7, 2002, Bush signed a memo erroneously stating that the Geneva Conventions, which require humane treatment, did not apply to Al Qaeda and the Taliban. But the Supreme Court made clear that Geneva protects all prisoners. Bush also admitted that he approved of high level meetings where waterboarding was authorized by Cheney, Condoleezza Rice, John Ashcroft, Colin Powell, Donald Rumsfeld and George Tenet.

Attorney General Michael Mukasey says there's no need for Bush to issue blanket pardons since there is no evidence that anyone developed the policies "for any reason other

than to protect the security in the country and in the belief that he or she was doing something lawful." But noble motives are not defenses to the commission of crimes.

Lt. Gen. Antonio Taguba, who investigated the Abu Ghraib scandal, said, "There is no longer any doubt as to whether the current 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."

Second, the Constitution requires President Obama to faithfully execute the laws. That means prosecuting lawbreakers. When the United States ratified the Geneva Conventions and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, thereby making them part of U.S. law, we agreed to prosecute those who violate their prohibitions.

The bipartisan December 11 report of the Senate Armed Services Committee concluded 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."

Lawyers who wrote the memos that purported to immunize government officials from war crimes liability include John Yoo, Jay Bybee, William Haynes, David Addington and Alberto Gonzales. There is precedent in our law for holding lawyers criminally liable for participating in a common plan to violate the law.

Committee chairman Senator Carl Levin told Rachel Maddow that you cannot le-

Obama must faithfully execute the laws—that means prosecute lawbreakers.

galize what's illegal by having a lawyer write an opinion.

The committee's report also found that "Rumsfeld's authorization of aggressive interrogation techniques for use at Guantánamo Bay was a direct cause of detainee abuse there." Those techniques migrated to Iraq and Afghanistan, where prisoners in U.S. custody were also tortured.

Pardons or failures to prosecute the officials who planned and authorized torture would

also be immoral. Former Navy General Counsel Alberto Mora testified to the Senate Armed Services Committee in June 2008 that "there are serving U.S. flag-rank officers who maintain that the first and second identifiable causes of U.S. combat deaths in Iraq — as judged by their effectiveness in recruiting insurgent fighters into combat — are, respectively the symbols of Abu Ghraib and Guantánamo."

During the campaign, Obama promised to promptly review actions by Bush officials to determine whether "genuine crimes" were committed. He said, "If crimes have been committed, they should be investigated," but "I would not want my first term consumed by what was perceived on the part of the Republicans as a partisan witch hunt, because I think we've got too many problems we've got to solve."

Two Obama advisors told the *Associated Press* that "there's little-if any — chance that the incoming president's Justice Department will go after anyone involved in authorizing or carrying out interrogations that provoked worldwide outrage."

When he takes office, Obama should order his new attorney general to appoint an independent prosecutor to investigate and prosecute those who ordered and authorized the commission of war crimes.

Obama has promised to bring real change. This must be legal and moral change, where those at the highest levels of government are held accountable for their heinous crimes. The new president should move swiftly to set an important precedent that you can't authorize war crimes and get away with it.

Marjorie Cohn is a professor at Thomas Jefferson School of Law and President of the National Lawyers Guild. She testified before the House Judiciary Committee's Subcommittee on Constitution, Civil Rights and Civil Liberties in May about official liability for torture. The author of Cowboy Republic: Six Ways the Bush Gang Has Defied the Law, her articles are archived at www.marjoriecohn.com.

"I believe that not only is this contemplated act [the invasion of Iraq] criminal, malevolent and barbaric, it also contains within itself a palpable joy in destruction....

"The Americans have the ostensible support of the 'international community' through various sure-fire modes of intimidation: bullying, bribery, blackmail and bullshit. The 'international community' becomes a degraded entity bludgeoned into the service of a brutal military force out of control....

"The planned war can only bring about the collapse of what remains of the Iraqi infrastructure, widespread death, mutilation and disease, an estimated one million refugees and escalation of violence throughout the world, but it will still masquerade as a 'moral crusade,' a 'just war,' a war waged by 'freedom loving democracies,' to bring 'democracy' to Iraq.

"The stink of the hypocrisy is suffocating.

"This is in reality a simple tale of invasion of sovereign territory, military occupation, and control of oil.

"We have a clear obligation, which is to resist."

—from House of Commons Speech
January 2003

Harold Pinter (1930-2008)

***We have a clear obligation,
which is to resist.***

God Bless America

Here they go again,
The Yanks in their armoured parade
Chanting their ballads of joy
As they gallop across the big world
Praising America's God.

The gutters are clogged with the dead
The ones who couldn't join in
The others refusing to sing
The ones who are losing their voice
The ones who've forgotten the tune.

The riders have whips which cut.
Your head rolls onto the sand
Your head is a pool in the dirt
Your head is a stain in the dust
Your eyes have gone out and your nose
Sniffs only the pong of the dead
And all the dead air is alive
With the smell of America's God.

January 2003

"[The United States] quite simply doesn't give a damn about the United Nations, international law or critical dissent, which it regards as impotent and irrelevant....

"Look at Guantanamo Bay: hundreds of people detained without charge for over three years with no legal representation or due process, technically detained forever. This totally illegitimate structure is maintained in defiance of the Geneva Convention.... This criminal outrage is being committed by a country which declares itself to be 'the leader of the free world.'

"The invasion of Iraq was a bandit act, an act of blatant state terrorism, demonstrating absolute contempt for the concept of international law. The invasion was an arbitrary military action inspired by a series of lies upon lies and gross manipulation of the media and therefore of the public; an act intended to consolidate American military and economic control of the Middle East masquerading...as liberation; a formidable assertion of military force responsible for the death and mutilation of thousands and thousands of innocent people."

—from "Art, Truth, and Politics"
on the occasion of his
2005 Nobel Prize in Literature

WHATEVER IT TAKES: A Citizen's Responsibility — What We Can Do

by Tarak Kauff

What's a patriotic citizen to do when a criminal cabal of sociopathic ideologues take over the country and commit war crimes in our name?

Let's start by defining "patriotic citizen." How about this: one who loves his or her country and humanity; one who demands by words and actions that his or her country live up to the highest social and humanitarian ideals?

For most folks, the plaintive question, "What can we do?" implies that really, nothing can be done. But when you are burning inside over the cruelty, the destruction, the massive greed and monumental hypocrisy of the ruling class, when you say, "What can we do?" you damn well mean it.

So what can we do in the face of an enormously powerful and entrenched corporate state that is no longer responsive? Can anything be done? Sometimes the task seems impossible but, in the face of state sanctioned criminality, under no conditions do we have the luxury to remain silent. To do so, would be complicit at worst, complacent at best and would undermine our own humanity. Mark Twain so wisely wrote,

Each man must for himself alone decide what is right and what is wrong, which course is patriotic and which isn't. You cannot shirk this and be a man. To decide against your conviction is to be an unqualified and excusable traitor, both to yourself and to your country, let men label you as they may.



How wonderful it is that no one need wait a single moment before starting to improve the world.

—Anne Frank

On behalf of those who suffer from injustice and for our own dignity and self worth, we need to speak and take direct action to stop or prevent wars, torture, rape of the environment and global destruction. We need to withdraw our support and allegiance to a government that indulges in and funds pre-emptive wars; that accepts, condones, and promotes torture; that lies and deceives the citizenry; that does not hold accountable an immoral, sadistic, inhumane and criminal president. When such grievous, unspeakable assaults on humankind, on the environment, on the existence of our very future exist, then, as Mario Savio said in Berkeley at the beginning of the free speech movement:

There comes a time when the operation of the machine be-



Dissent is the highest form of patriotism. —Howard Zinn

comes so odious, makes you so sick at heart, that you can't take part, you can't even passively take part, and you've got to put your bodies upon the gears and upon the wheels, upon all the apparatus, and you've got to make it stop.

The machine operates through fear and domination. A very few live in opulence, controlling the wealth, politics, and media; some of us live in relative comfort but with little security, while the growing masses suffer in grinding poverty.

How much more odious does our system have to be before masses of decent people rise up and demand justice, demand change—not from the top down but from the bottom up? That's democracy: decent, ordinary, everyday people—patriotic citizens—refusing to tolerate exploitation and domination of not only themselves but others in their name.

How exactly does a patriotic citizen get started? One thing is sure, if the fire for liberty, truth and justice burn intensely enough in one's heart, one will explore, seek out like-minded people or organizations. Or one becomes self motivated, like Diane Wilson, activist and author of *An Unreasonable Woman*, a working class woman with five kids who risked her safety and her life when she took on the massive chemical polluters in Texas. The fire within burned so brightly that she was willing to commit civil disobedience, to go on hunger strikes, to work ceaselessly and to struggle against massive odds and so set an example of courage and determination that inspired thousands. Her book of one woman's heroic resistance is a "must read."



Those who love peace must learn to organize as effectively as those who love war.

—Martin Luther King, Jr.

the founding fathers (and mothers) did, to take risks, which will empower your life and instill all the courage you need. You will step up and speak out. You will take action. You will not let the injustice and cruelty perpetrated by corrupt leaders go unanswered.

Every actual state is corrupt. Good men must not obey laws too well.

—Ralph Waldo Emerson

When your children or your grandchildren ask at some future date, "What did you do during those dark times?" you'll be able to say that you took the risks, that you didn't play it safe, that you didn't choose the path of comfort and acceptance. Moreover, you will learn to research the issues outside of the biased mainstream media. You will think for yourself, reason for yourself, align yourself with others of independent mind who believe that a better world is possible, and who, in these dark times, will work and struggle for peace and a just society.

The most dangerous man, to any government, is the man who is able to think things out for himself, without regard to the prevailing superstitions and taboos. Almost invariably he comes to the conclusion that the government he lives under is dishonest, insane and intolerable, and so, if he is romantic, he tries to change it. And if he is not romantic personally, he is apt to spread discontent among those who are.

—H. L. Mencken

You will understand that the patriotic struggle for peace and justice is a long one—and not easy. It demands sacrifice, risk and commitment. But to actively try to make this world a more peaceful place is

(Continued on next page)

You will come to believe that you can make a difference.

With that belief, you begin to throw off the shackles a corrupt social system has used to bind you to a state of passivity. You will begin, as



No matter that patriotism is too often the refuge of scoundrels. Dissent, rebellion, and all-around hell-raising remain the true duty of patriots.

—Barbara Ehrenreich

the very measure of our self worth and humanity. You will not let yourself as an American, as a patriotic citizen of the earth, as a human being, be driven like a sheep into a state of fear, apathy, comfort and cowardice.

Progressive historian Howard Zinn writes,

Civil disobedience is not our problem. Our problem is civil obedience. Our problem is that people all over the world have obeyed the dictates of the leaders of their government and have gone to war, and millions have been killed because of this obedience...Our problem is that people are obedient all over the world in the face of poverty and starvation and stupidity, and war, and cruelty. Our problem is that people are obedient while the jails are full of petty thieves, and all the while the grand thieves are running the country. That's our problem.

Prosecution of war crimes, and the transformation of society will not happen by verbal persuasion alone, by the presentation of an irrefutable argument. Neither will this system change without enormous sacrifice and action. No matter how nonviolent we are, we will pay for a just society with blood, sweat, and tears. If we think not, we are dreaming.

Human progress is neither automatic nor inevitable . . . every step toward the goal of justice requires sacrifice, suffering, and struggle; the tireless exertions and passionate concern of dedicated individuals.

—Martin Luther King Jr.

And Mike Ferner, author of *Inside the Red Zone*, another “must read,” quotes an Iraqi village leader, imprisoned under incredibly inhumane

conditions: “But you say you live in a democracy. How can this be happening to us?”

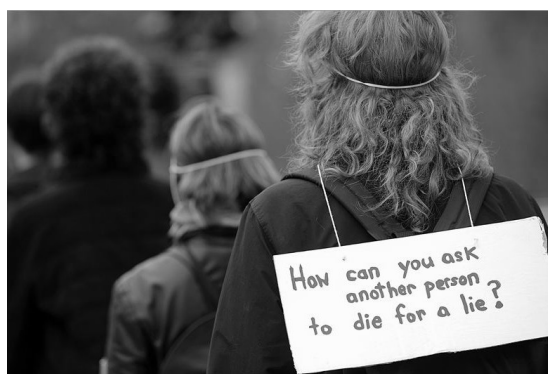
Recalling this later, Ferner reflected the rage many of us feel:

It is not pleasant to conclude that, contrary to what you've learned all your life, the place you call home has become just another empire intent on enforcing its will on humanity. Our discomfort is trivial compared to the suffering of those living where our missiles land, but still there are days when the latest news from the colonies leaves you screaming with anguish and rage against the terror rained without end upon the innocent.

In the final analysis, every decent American, every patriotic citizen, needs to rise up and demand an end to the abuses of power hungry lunatics, riding like Major “King” Kong in the movie, *Dr. Strangelove*, hell bent on destruction, on top of an explosive, exploitive, and cancerous time bomb of a system spiraling madly out of control.

While there is still time, now and always, we need to stop the madness— whatever it takes.

Tarak Kauff is an activist, organizer, and writer dedicated to the nonviolent transformation of the oppressive corporate state. A former ultra-distance runner, he ran continuously through all 50 states in 1982. e served Army from 1959-62 including two years as a paratrooper. He can be reached at tkauff@hvc.rr.com.



Doing What It Takes

The world is a dangerous place, not because of those who do evil, but because of those who look on and do nothing.

—Albert Einstein

To do “what it takes” would be to join those who throughout history rose up against impossible odds and at times fought even the mighty Roman Empire or England’s feudal aristocracy. It would connect us to an honorable, unbroken line of people who have refused to accept injustice, hunger, war and ignorance as normal and who used the power of nonviolence to make change. Here are but a few examples:

In Judea, under the rule of Pontius Pilate, the Romans attempted to publicly display imperial images, a move which sparked street demonstrations. Surrounded by soldiers and threatened with death, the Judeans held their ground, forcing the Roman Empire to back down.

After WWI, Britain ignored requests from Egyptian anti-colonial activists to leave. Saad Zaghlul organized mass civil disobedience in the streets. Students, merchants, peasants, women, Muslims and Christians brought normal life to a halt and the revolts forced London to issue a unilateral declaration of Egyptian independence in 1922.

In February 1943, Nazis arrested 1800 Jewish men in Berlin and began shipping them to Auschwitz. Their wives, with some 4,000 supporters, stayed in the streets, staring down machine guns for a week. Worried about the effect on civilian morale, Goebbels and Hitler ordered the men released.

The Cape Town Peace March in September 1989, part of countless protests in South Africa, is considered by some to be the beginning of the end of apartheid.

In this country abolitionists defied Federal law by refusing to return fugitive slaves; generations of suffragists agitated to win the vote for women; the modern civil rights movement tore down legalized segregation; the Berrigans and others burned selective service records during the Viet Nam war.

But doing what it takes doesn’t require a mass movement. Small groups and individuals can rise up as well: Janine Boneparth with Code Pink support attempted a citizens arrest on Karl Rove; Ehren Watada refused deployment to Iraq.

Howard Zinn’s counsel is always timely: “Civil disobedience is not our problem. Our problem is civil obedience.”

—Mike Ferner



It does not require a majority to prevail, but rather an irate, tireless minority keen to set brush fires in people's minds.

—Samuel Adams

Veterans

Continued from page 1)

“People say Bush and Cheney will be gone soon so what’s the point? The point is, there is no statute of limitations on war crimes, and if not held accountable, criminality will continue regardless of who is in office. We either are or we are not a nation of law.”

The veterans fasted during the occupation “in remembrance of those who have perished and those still suffering from the crimes of the Bush administration,” according to their written statement.

In November, the group occupied the National Archives for two days.



The future will be different if we make the present different.

—Peter Maurin

AMERICA ON TRIAL: Why we must prosecute Bush & his administration for war crimes

During the rush to get the Nuremberg Tribunals underway, the Soviet delegation wanted the tribunal's historic decisions to have legitimacy only for the Nazis. U.S. Supreme Court Justice, Robert Jackson, serving as the chief prosecutor for the Allies, strong-armed the Soviets until the very beginning of the tribunal before changing their minds.

In his opening statement Jackson very purposely stipulated, "...Let me make clear that while this law is first applied against German aggressors, the law includes, and if it is to serve a useful purpose it must condemn aggression by any other nations, including those which sit here now in judgment."

Can there be a better reason for prosecuting George Bush and his administration for war crimes than those words from the chief prosecutor of the Nazis, a U.S. Supreme Court Justice, with the full support of the U.S. government? Robert Jackson's words and the values this nation claims to stand for provide sufficient moral basis for putting Bush and Cheney, their underlings who implemented their policies, and the perverted legal minds who justified the policies all in the dock. If those are not sufficient reasons, there is a long list of binding law and treaties – written in black and white in surprisingly plain English.

Bush imagined, and his attorneys advised, that he could simply wave aside these laws with "they don't apply." Imagine how a judge would treat even a simple traffic court defendant who brazenly stated the law was only a quaint notion, just



Mike Ferner

"words on paper?"

Masses of people and an embarrassingly small number of their elected representatives in this country read the law for themselves and demanded otherwise, only to be silenced by the Guardians of Reality in the corporate news media.

But it's all there, where it has been for 220 years, in the Constitution's "supremacy clause," Article II, section 4, and in the War Crimes Act of 1996 (18USC §2441). They provide the authority to make additional treaties legally binding – no matter how much former White House lawyers David Addington and John Yoo may object.

Those additional treaties include among others, the Geneva Conventions, the Nuremberg rulings, the Laws and Customs of War on Land and UN General Assembly Resolution 3314. To give just a snapshot of how serious these laws are, consider this portion of 18USC§2441 which defines a war crime as "...a grave breach in any of the international conventions signed at Geneva 12 August 1949, or any protocol to such convention to which the United States is a party..." The guilty can be "...fined under this title or imprisoned for life or any term of years, or both, and if death results to the victim, shall also be subject to the penalty of death."

Here, Justice Jackson answers another question about war crimes – who bears the greater responsibility: those who committed barbaric acts in the field or those who created the conditions for barbarism?

The case as presented by the United States will be concerned with the brains and authority back of all the crimes. These defendants were men of a station and rank which does not soil its

own hands with blood. They were men who knew how to use lesser folk as tools. We want to reach the planners and designers, the inciters and leaders without whose evil architecture the world would not have been for so long scourged with the violence and lawlessness, and wracked with the agonies and convulsions, of this terrible war.

And yet it is not just because Bush violated the Constitution and federal law that he and his lieutenants must be prosecuted.

At Nuremberg, the foremost crime identified was starting a "war of aggression," later codified by U.N. Resolution 3314, Art. 5, as "a crime against international peace." Launching a war of aggression, as Hitler did against Poland, is considered so monstrous that the nation responsible can then be charged with "war crimes" and "crimes against humanity," spelled out in detail in the Geneva Conventions. As Tom Paine said long before the U.N. formalized the definition of aggression, "He who is the author of a war lets loose the whole contagion of Hell and opens a vein that bleeds a nation to death."

A small sampling of the contagion of Hell let loose by Bush includes illegally invading a sovereign state, using banned weapons such as white phosphorous and napalm, bombing hospitals and civilian infrastructure, withholding aid and medical supplies, terrorizing and knowingly killing civilians, torturing prisoners, killing a million people and displacing four million more in Iraq alone.

Following World War II, humanity resolved that wars do more than spark a series of loathsome, individual crimes. Leaders responsible for a war actually commit crimes against the entirety of humanity. They

inflict harm on every human being, something that must be put right before humanity can be restored.

It's Not About Them

— It's About Us

There is a final reason why we must prosecute Bush and Co. It is not what some argue, although they point to a serious danger: that Bush trashed the law and usurped powers, encouraging future presidents to expand where he left off. Such reasons are about George Bush and those who hold the office after him, but in the final analysis this is about us.

We are complicit in the horrors of this administration. We can claim neither ignorance nor innocence. We are complicit by the very fact that we are citizens of the United States, more so because we paid for the war, and even more so for a reason so eloquently described by an Iraqi village sheik.

I met this man in a small farming village one afternoon in early 2004. He described how he and a dozen others were swept up in a raid by the U.S. Army and detained on a bare patch of ground surrounded by concertina wire. They had no shelter and but six blankets. They dug a hole with their hands for a toilet. They had to beg for water until one time it rained for three days straight and they remained on that open ground. He somehow found the graciousness to say he understood there was a difference between the American people and our government. Then through his tears he added, "But you say you live in a democracy. How can this be happening to us?"

Do we in fact live in a democracy? Whether or not we bring our own government officials to justice for their crimes will determine the answer.

Mike Ferner is a longtime member of VFP and author of Inside the Red Zone: A Veteran For Peace Reports from Iraq.

The Bush Doctrine

A policy of preventive war that maintains that the United States should depose foreign regimes that represent a potential or perceived threat to the security of the United States, even if that threat was not immediate; a policy of spreading democracy around the world, especially in the Middle East, as a strategy for combating terrorism; and a willingness to pursue U.S. military interests in a unilateral way. (Source: Wikipedia)

"Preventive war was an invention of Hitler. Frankly, I would not even listen to anyone seriously that came and talked about such a thing."

-- Dwight D. Eisenhower

"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. ...Crimes against international law are committed by men, not by abstract entities, and only by punishing individuals who commit such crimes can the provisions of international law be enforced."

— Nuremberg Tribunal

IF YOU SEE SOMETHING

- ⇒ **A PRESIDENT AUTHORIZES ILLEGAL WIRETAPS**
- ⇒ **A SECRETARY OF STATE LIES ABOUT TORTURE AND ILLEGAL DETENTIONS**
- ⇒ **A VICE-PRESIDENT PLOTS TO WAGE WAR AND THEN SECRETLY PROFITS**
- ⇒ **AN ATTORNEY GENERAL ABANDONS THE RULE OF LAW TO DEFEND TORTURE, SPYING, AND THE ABUSE OF POWER BY A PRESIDENT OF THE UNITED STATES**

SAY SOMETHING

WCT Viewpoint — Prosecute the war criminals for the good of the world

America the Beautiful has been slimed.

During the Bush-Cheney reign, the most admired and respected nation in the world became the most hated and feared. The USA is now known for its lies, its bullying, its atrocities, and its disdain for law.

This is more than an image problem.

The world faces multiple crises—climate, energy, economy, maldistribution of wealth—whose solutions require an unprecedented level of global cooperation. Coopera-

tion requires trust, and America can't be trusted.

To regain its good standing, America must show a clear break with the past by showing a clear disdain for past policies.

To this end the U.S. must admit its lies and transgressions and hold its liars and transgressors accountable. Bush, Cheney, and their band of outlaws must be prosecuted for gross

misconduct including crimes against peace, crimes against humanity, and war crimes.

Only then will America be welcomed back as a trustworthy partner. Only then will the world be able to adequately address the huge challenges of the 21st century. Until then, we remain an Ugly America.

Since 2000, the United States' standing has deteriorated in all parts of the world, and anti-Americanism has grown intense. The 2008 Pew Global Attitudes survey reveals that in the past eight years, favorable views of the United States fell from 78 percent to 30 percent in Germany, 50 percent to 22 percent in Argentina and 75 percent to 37 percent in Indonesia. —*Newsweek*, December, 2008

PROSECUTION WILL DETER FUTURE WAR CRIMES

“The Battle Of Today Is Not For Today Alone, But For A Vast Future”

by Lawrence Velvel

— Abraham Lincoln

Arthur Schlesinger wrote: *Sometimes, when I am particularly depressed, I ascribe our behavior to stupidity—the stupidity of our leadership, the stupidity of our culture. Thirty years ago we suffered military defeat—fighting an unwinnable war against a country about which we knew nothing and in which we had no vital interests at stake. Vietnam was bad enough, but to repeat the same experiment thirty years later in Iraq is a strong argument for a case of national stupidity.*

National stupidity. After Viet Nam no one thought it could happen again, and Congress took steps to assure it couldn't, such as enacting the War Powers Act, reining in the CIA, and banning electronic eavesdropping of Americans by the NSA.

But it did happen again and worse—worse because today we not only have a years-long unwinnable war, but also torture, kidnappings and renderings to foreign countries for torture, years of detention without trial of innocent people, massive private armies to help carry out Executive policies, electronic spying on anyone and everyone the Executive wishes, suppression of the media far beyond anything experienced during Viet Nam, reducing Congress to an impotency exceeding that of Viet Nam, the use of Executive Branch lawyers to write secret memoranda giving clearance to awful policies, and the use of retired generals who are making a fortune from the Pentagon to spread its gospel on the mainstream media.

People are likely to think that Iraq cannot happen again. But what assurance is there that it won't when some future militarists or reactionaries again come to power? There are cul-

tural reasons for a potential Iraq redux that go back to the very beginning of American history:

- The nation largely does not know, and ignores, history.
- To the extent we consider history, viewing it through the prism of wars.
- A national penchant for violence.
- Misbegotten, factually incorrect philosophies.
- Lies, distortions, and delusions.
- A desire to maintain preeminent American power.
- Congressional cowardice and abdication of responsibility, coupled with Executive seizure of power.
- Massive standing military forces and the possibility of a draft.
- Public gullibility.
- The tenets of religious fundamentalism.
- Nearly uncontrolled nationalism.
- Leaders' families face no risks.
- Lack of accountability.

The idea that in the future we will not repeat the mistakes of Iraq would appear, on the basis of cultural factors and history, to prove forlorn.

What to do then to increase the possibility that America will not get into more misbegotten wars in the future and, if it does get into war, will not torture people, kill prisoners, spy on its own citizens, and commit other atrocious acts? There is only one thing to do: hold American leaders to account for their actions so that future leaders will not repeat the actions for fear that they will also be held to account.

Since domestic politics has proven useless in holding our leaders to account—Johnson, McNamara, Nixon, and Kissinger escaped prosecution; Rumsfeld, Wolfowitz, and Yoo seem unlikely to suffer—we must try to do what was done in the 1940s to the German and Japanese leaders, lawyers, and judges. We must try to have them held accountable in courts of law. And we must insist on appropriate punishments, including, if guilt is found, the hangings visited upon top Germans and Japanese.

Not unless leaders fear prison or the gallows for actions that violate

law will there be anything to check the next headlong rush to war for allegedly good reasons that later prove false, whether it were to occur one year or thirty years from now.

There will be those who say that even if a precedent for punishment is established, future leaders will ignore the possibility of criminal punishment. Not so. Even the current crop of leaders are very concerned that they might be legally held to account. Such concern led the Executive to commission exonerating legal memoranda from the John Yoo and their ilk in the Department of Justice and the Pentagon. For Bush, Cheney, Rumsfeld and Kissinger to spend years in jail, would be a powerful lesson to future American leaders. It is not amiss to note that leaders of Germany and Japan from the end of World War II until today have never advocated the kinds of policies advocated by generations of their predecessors. Among the reasons for this one cannot discount the importance of the leaders' knowledge that their predecessors hung in the 1940s.

There will be those who say, as is so typically American, that we should simply put Iraq behind us and just get on with life. But that was said about Viet Nam in its day and helped lead to Iraq, and was largely responsible for the pardon of Nixon which taught American leaders like Bush and Cheney that they can evade punishment for horrible actions. The “forget the past and get on with life” philosophy should not be indulged now any more than we indulged it with the Germans and Japanese.

In his own time, in the vast cauldron of the Civil War, Lincoln said that the battle of today is not for today alone, but for a vast future. That is equally true of the necessity of bringing to book the men who have led us to disaster twice in one lifetime, in Viet Nam and Iraq. The battle to impose criminal responsibility upon them is not for today alone, but to safeguard a vast future.

Lawrence Velvel is the Dean of Massachusetts School of Law.

Letters

A French Lesson

The French learned more from their experience in Algeria than the U.S. did from Vietnam. Both occupations killed tens of thousands of occupying soldiers and millions of civilians before they ended.

But what the French learned is that the tactics they used to occupy Algeria came home. That is, the manipulation of the media, the detention camps, the arrests without charges, the spying on civilians, the militarization, the corruption of the political process all came back to infect French society. Jean Paul Sartre wrote that if a country doesn't respect human rights and self determination abroad, those concepts are slowly undermined at home. Occupation, in other words, destroys democracy in both countries.

Perhaps the occupation of Iraq and Afghanistan will be our learning experience. We know that our phones and e-mails are monitored by huge computers. We read the false stories planted in our press. We see the pictures of Guantanamo and know that any one of us could end up as an “enemy combatant” and disappear. We watch as our own government approves the use of water boarding, a sinister form of torture.

And the militarization of our society? Our politicians, while espousing peace, get millions in campaign contributions from US weapons makers. The corruption of our political process by the military industrial complex is nearly complete.

Iraq and Afghanistan are in chaos; we see it on TV. Less obvious is the fact that democracy is dying right here in America.

Fred Nagle
New York

The Right Should Do Right

If the GOP is the “law and order” party, why don't Republicans demand the prosecution of the many Bush Administration war criminals?

Mack Reilly
North Carolina

Get On? Get Real!

Forget the past and get on with today's problems? If a child molester, murderer, or arsonist was in your community, would you forget the past and get on with today?

These war criminals have molested, incarcerated, tortured, and murdered innocent people in the world community. They have burned whole cities to the ground. Get on with it? Yes, get on with the prosecutions!

Mary Bradley
Wisconsin



Families

(Continued from page 4)

what we did. He asks, “Where's Osama Bin Laden?”

Add this to the list of war crimes: the Bush-Cheney criminal cabal are not only responsible for killing, maiming, and making refugees of millions of Iraqi civilians, they are personally responsible for the untimely deaths of over 4,300 service members, more than 40,000 severely wounded GI's, and the anguish of their families. Their greed for

wealth and power has torn families apart.

If the next administration is not concerned with the immorality of war in Iraq, let them look at the war at home. Let the 9m open their eyes to those who have given all—for absolutely no reason. These were men and women who signed up to protect and defend a constitution and a country whose leadership had no respect for them.

This is a war crime which should be as punishable as the crime of 9/11. Is there much difference?



Diplomat

(Continued from page 1)

British government officials to Tony Blair of their conversations with senior Bush administration officials in 2002, tell Blair that the Bush Administration had provided no legal basis for invading and occupying Iraq. They would have to "fix the intelligence" on weapons of mass destruction in order to use that as a rationale for military action against Iraq.

Initiating a war of choice by invading and occupying a sovereign country that has not harmed another country or the international community, is a war crime for which those responsible must be held accountable. The leaders of the superpowers of today are no more immune to prosecution for violation of international law—particularly a war of aggression that has killed over one million Iraqis—than were the leaders of Germany and Japan who invaded and occupied other countries and were responsible for the deaths of millions of people during World War II. Those leaders were prosecuted, as must Bush, Cheney, Powell, Rums-

feld and Rice be prosecuted. If they are not held accountable, future U.S. presidents will attempt similar criminal actions.

Other war crimes demand accountability. The Bush Administration's policy of using torture to gain information from detainees violates U.S. domestic law as well as international law. Written memoranda and conversations between senior Bush Administration officials now available to prosecutors provide the details of an orchestrated campaign of interrogation, utilizing torture techniques, that was approved by Bush, Cheney, Rumsfeld, CIA director George Tenet, advisor to the President and later Attorney General Alberto Gonzalez, Department of Justice Office of Legal Counsel John Yoo, Defense Department legal counsel William Haynes, former Assistant Attorney General for the Office of Legal Counsel Jay Bybee who wrote the August, 2002 torture memorandum.

A Senate Armed Service committee report released December 11, 2008 concluded that decisions made by Rumsfeld were a "direct cause" of widespread detainee abuses, and



: Ann Wright served 29 years in the US Army/Army Reserves and retired as a Colonel. She was 16 years in the US diplomatic corps serving in Nicaragua, Grenada, Somalia, Uzbekistan, Kyrgyzstan, Sierra Leone, Micronesia, Afghanistan and Mongolia and was on the small team that reopened the US Embassy in Kabul, Afghanistan in December, 2001. Wright resigned from the US Department of State in March, 2003 in opposition to the Iraq war.

that other Bush Administration officials were to blame for creating a legal and moral climate that contributed to inhumane treatment. The abuse of detainees at Abu Ghraib in 2003 was not simply the result of a few soldiers acting on their own. Instead, the report docu-

ments a series of high-level decisions in the Bush Administration that "conveyed the message that physical pressures and degradation were appropriate treatment for detainees in U.S. military custody."

In a December 15, 2008 interview with ABC News, Vice-President Cheney said of the CIA's use of water boarding (a technique universally described as torture): "I was aware of the program, certainly, and involved in helping get the process cleared." Asked whether he still believes it was appropriate to use the water boarding method on terrorism suspects, Cheney said: "I do."

Military officers who passed on the decision to violate domestic and international law on torture must be prosecuted. They include former Chairman of the Joint Chiefs of Staff General Richard Meyers, Central Command commander General Tommy Franks, former US forces in Iraq commander General Ricardo Sanchez and Major General Geoffrey Miller who implemented "improved interrogation techniques" in Guantanamo and Abu Ghraib.

Congressional complicity in war crimes must also be ad-

ressed. After the Democrats were elected to lead the Congress in 2006, House Speaker Nancy Pelosi and House Judiciary Committee chair John Conyers refused to initiate hearings that could have led to the impeachment of Bush and Cheney. Despite Congressman Dennis Kucinich's 35 articles of impeachment and numerous books that documented evidence of the criminal actions, Pelosi still maintains she hasn't "seen the evidence" of criminal wrongdoing.

As an Army officer and as a diplomat, I was taught that government officials are accountable. I urge President Obama to authorize a special prosecutor to investigate the invasion of Iraq and torture as war crimes committed by Bush Administration officials. Rather than being "divisive," the decision to investigate and hold accountable if warranted, those who committed crimes while in public office will show that we believe in the rule of law.

The world community, our friends and foes alike, is watching to see what course the United States takes.

JOURNALISTS

(from page 1)

demning "all forms of propaganda...which is either designed or likely to provoke or encourage any threat to the peace, breach of the peace, or act of aggression."

Although the resolutions are not legally binding, they carry considerable moral weight.

Propaganda Crimes. Most jurisdictions have yet to recognize propaganda for war as a crime. But if aggression—starting an unprovoked war—is "the supreme international crime differing only from other war crimes in that it contains within itself the accumulated evil of the whole" (from the judgment at Nuremberg), then incitement to aggression, like incitement to genocide, could and should be a crime as well.

Criminal or not, much of the world now sees incitement to war as morally indefensible. In this light it is instructive to look at the role which American journalists and war propagandists have recently played in bringing about and sustaining war.

The Bush Administration began to sell the invasion of Iraq to the American public soon after 9/11. President

Bush's chief of staff, Andrew Card, established the White House Iraq Group in 2002 expressly for marketing the invasion of Iraq. A Sept. 7, 2002, *New York Times* article reported: "White House officials said today that the administration was following a meticulously planned strategy to persuade the public, the Congress and the allies of the need to confront the threat from Saddam Hussein..." Card even told the *Times*, "From a marketing point of view, you don't introduce new products in August."

The "product" was the unprovoked invasion of a sovereign state; the sales pitch was the "imminent threat" of Iraqi weapons of mass destruction.

The existence of Iraqi weapons of mass destruction was central to the Bush Administration's campaign for war. Other important elements were Saddam Hussein's ties with Al Qaeda and the strongly implied association of Iraq with the tragedies of 9/11.

All were false. In propaganda, though, selling the product trumps truth.

Unquestioning Submission. The role played by American

mainstream media during the run-up to the invasion of Iraq was marked by widespread unquestioning submission to the Bush Administration and abandonment of the most fundamental journalistic responsibility as embodied in the Society of Professional Journalists Code of Ethics: "Journalists should test the accuracy of information from all sources and exercise care to avoid inadvertent error."

The failure of influential American journalists, such as the *New York Times'* Judith Miller, to test the accuracy of information played a critical role in the Bush Administration's successful effort to incite the American public to attack a country which was not threatening us. Miller and other influential journalists bear a share of moral, if not legal, responsibility for hundreds of thousands of deaths, millions of refugees and all the other carnage, devastation and human suffering of "Operation Iraqi Freedom."

Some media figures, however, went considerably further than simple failure to check sources. Some actively and passionately encouraged Americans to commit

and/or approve of war crimes.

Prominent among these was Fox News' Bill O'Reilly who advocated such crimes forbidden by the Geneva Convention as collective punishment of civilians, attacking civilian targets, destroying water supplies, and even starvation.

Sept. 17, 2001: "The U.S. should bomb the Afghan infrastructure to rubble: the airport, the power plants, their water facilities, and the roads" in the event of a refusal to hand over Osama bin Laden to the U.S.

Later, he added: "This is a very primitive country. And taking out their ability to exist day to day will not be hard.... We should not target civilians. But if they don't rise up against this criminal government, they starve, period."

On March 26, 2003, a few days after the invasion of Iraq began, O'Reilly said: "There is a school of thought that says we should have given the citizens of Baghdad 48 hours....you've got to get out of there, and flatten the place."

Collective Punishment. Ann Coulter on July 21, 2006, called for another war and more punishment of civilians, this time in Iran: "Well, I keep hearing people

say we can't find the nuclear material, and you can bury it in caves. How about we just, you know, carpet-bomb them so they can't build a transistor radio? And then it doesn't matter if they have the nuclear material."

These comments about inflicting war on weak countries came from American media figures at the very top of their profession, addressing millions. It is difficult to overstate their influence.

Sadly, the words of Nuremberg Prosecutor Griffith-Jones concerning Julius Streicher hold considerable meaning today: Streicher "made these things possible—made these crimes possible which could never have happened had it not been for him and for those like him."

Unfortunately, since 1947 little progress has been made. War propaganda is still legal. But while the American propagandists who enabled Operation Iraqi Freedom and other wars of aggression have little need to worry about their legal responsibilities, a strong case can be made that they have blood on their hands.

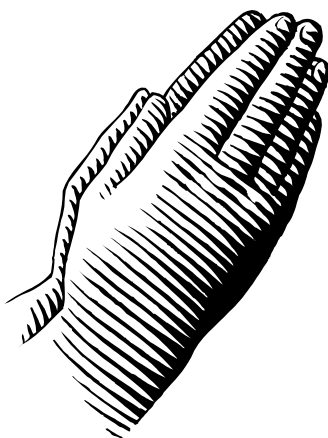
Peter Dyer is a freelance journalist who moved with his wife from California to New Zealand in 2004.

"O Lord our Father, our young patriots, idols of our hearts, go forth to battle – be Thou near them! With them – in spirit—we also go forth from the

From "The War Prayer"

by Mark Twain

sweet peace of our beloved firesides to smite the foe. O Lord our God, help us to tear their soldiers to bloody shreds with our shells; help us to cover their smiling fields with the pale forms of their patriot dead; help us to drown the thunder of the guns with shrieks of their wounded, writhing in pain; help us to lay waste their humble homes with hurricanes of fire; help us to wring the hearts of their unoffending widows with unavailing grief; help us to turn them



out roofless with their little children to wander unfriended the wastes of their desolated land in rags and hunger and thirst, sports of the sun flames of summer and the icy winds of winter, broken in spirit, worn with travail, imploring Thee for the refuge of the grave and denied it – for our sakes who adore Thee, Lord, blast their hopes, blight their lives, protract their bitter pilgrimage, make heavy their steps, water their way with tears, stain the white snow with the blood of their wounded feet! We ask it, in the spirit of love, of Him

Who is the Source of Love, and Who is the ever-faithful refuge and friend of all that are sore beset and seek His aid with humble and contrite hearts. Amen."



WCT finds nothing amusing about the Bush Administration's war crimes. But humor, especially satire and parody, complements a somber message and makes it more memorable. Attempts at humor in the WCT are not meant to make fun of the consequences of this administration's war crimes, but to balance our presentation.

Ninety-eight percent of the adults in this country are decent, hard-working, honest Americans. It's the other lousy two percent that get all the publicity. But then—we elected them.

—Lily Tomlin

IF TODAY'S CONGRESS PRESIDED DURING WATERGATE



From Stephen Colbert's remarks at the 2006 White House Correspondents' Dinner

And as excited as I am to be here with the President, I am appalled to be surrounded by the liberal media that is destroying America, with the exception of FOX News. FOX News gives you both sides of every story: the President's side, and the Vice President's side.

But the rest of you, what are you thinking? Reporting on NSA wiretapping or secret prisons in Eastern Europe? Those things are secret for a very important reason: they're super-depressing. And if that's your goal, well, misery accomplished.

Over the last five years you people were so good, over tax cuts, WMD intelligence, the effect of global warming. We Americans didn't want to know, and you had the courtesy not to try to find out. Those were good times, as far as we knew.

But, listen, let's review the rules. Here's how it works. The President makes decisions. He's the decider. The press secretary announces those decisions, and you people of the press type those decisions down. Make, announce, type. Just put 'em through a spell check and go home. Get to know your family again. Make love to your wife. Write that novel you got kicking around in your head. You know, the one about the intrepid Washington reporter with the courage to stand up to the administration? You know, fiction!



Heil Bush!



but seriously...

Bush Is No Hitler

Our much-maligned president has been compared to Adolph Hitler. This is grossly unfair as just a few examples will prove.



Hitler	Bush
had a distinctive mustache	is clean shaven
was a battle veteran, twice decorated for valor	was not
was a skillful orator, able to keep audiences spellbound for hours	is not
was a vegetarian	is not
used the destruction of a landmark building, the Reichstag, to initiate a climate of fear and enmity toward foreigners	has made no reference to the Reichstag fire
was a dog-lover	has been called a dog
invaded Poland, falsely claiming it threatened the homeland	has not invaded Poland
ranks as one of the worst leaders of the 20th century	did not come to power until the 21st century
escaped prosecution for war crimes by committing suicide	remains at large

— WANTED —

FOR WAR CRIMES, CRIMES AGAINST PEACE, CRIMES AGAINST HUMANITY

Bush Administration officials implicated in war crimes are listed below.

For many, the public record contains enough evidence to indict them. For others, enough evidence exists to warrant a grand jury or other similar investigation.

(This is a but partial list.)



**President
George W. Bush**
the Decider



Dick Cheney
Vice-President
the dark side



Donald Rumsfeld
Secretary of Defense
stuff happens



Condoleezza Rice
Secretary of State
smoking guns & mushroom clouds



Colin Powell
Secretary of State
sales pitch to UN



Paul Wolfowitz
Deputy Defense Secretary
beat the war drum



Karl Rove
Advisor
the war criminal's brain

Why of course the people don't want war.... But after all, it is the leaders of the country who determine policy, and it is always a simple matter to drag the people along... All you have to do is to tell them they are being attacked, and denounce the pacifists for lack of patriotism and exposing the country to danger. It works the same in any country.

— Hermann Goering at his Nuremburg trial.



Shoe Display—Washington, DC



Shoe Display—Iraq

— WANTED LIST CONTINUED —

Bush Administration Officials: Elliot Abrams, David Addington, John Ashcroft, John Bolton, Jay Bybee, Nicholas E. Calio, Douglas Feith, Alberto Gonzales, Stephen Hadley, William Haynes, Karen Hughes, I. Lewis Libby, Mary Matalin, George Tenet, James R. Wilkinson, John Yoo...

United States Congress. For failing to honor their oaths of office to defend the Constitution against domestic enemies; for failure to hold keep the Executive Branch in check; for failing to check “intelligence” information from the White House.

Mainstream News Media. For promoting invasion and occupation of sovereign nations; for helping spread Bush’s lies; for failure to check “facts”; and for a bias which limited dissenting viewpoints.

Military Personnel. For failing to reject unlawful orders that violated both international and domestic law. (A few courageous individuals did resign or refuse.)

We The People. For not being outraged enough by our country’s outrageous misconduct and the atrocities committed to raise hell! See pages 6 & 7 to find out what you can do.

There can be no question about whether criminal offenses have been committed by officials of this administration. The only question now is what, if anything, you ladies and gentlemen are going to do about it... When our founding fathers signed the Declaration of Independence they were not worried about political will, how much time there was, or about any parties’ political future, they were just worried they were going to be hanged by the neck. But what they did was right. Now it is your time.



— Elliott Adams, President, Veterans for Peace
Speaking to the House Judiciary Committee, July 2008



Help spread the news.
Tell people about WarCrimesTimes.org.

