

Destroying World Order

by Paul Wolf, 15 May 2004

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English lesson for our leaders

By Erica Verrillo, *Boston Globe*, 12 May 2004

The Bush administration seems to have a serious problem with reality. The most recent reality challenge is the policy of torture in both Iraq and Afghanistan, which the administration is frantically redefining as "abuse," "excesses," and "humiliation." We even have Secretary Rumsfeld describing footage of several American soldiers "having sex" with a female Iraqi prisoner. Let's have a little plain English here. "Having sex" with a prisoner is known as "rape." Systematic beatings are called "torture." Excesses that lead to death are called "murder." The hundreds of women and children in mass graves in Fallujah are the product of a "massacre." Taken together, all of these add up to "atrocities."

The dissemination of "incomplete information" from "imperfect intelligence" is called "lies." The billions of dollars that Halliburton and Bechtel have reaped in profits are called "war profiteering." The invasion of Iraq is called "illegal." The destruction of America's international standing is called "permanent." And Texaco/Phillips's high bid for Iraqi oil is called "why we are in Iraq."

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Destroying World Order:

US Imperialism in the Middle East Before and After September 11

Prologue to book by Francis A. Boyle, Clarity Press, 2004

In 1898 the United States deliberately chose to emulate the imperial countries of the Old World and set out to become a major global power by performing a series of naked acts of military, political, and economic expansion in order to seize its self-proclaimed "place in the sun" by means of raw and brutal force. Since that time, America has struggled to come to grips with the irreversible consequences of those fateful decisions, which directly contradicted several of the most fundamental normative principles on which the United States was supposed to have been founded in its 1776 Declaration of Independence and in its 1787 Constitution as subsequently amended. During this era of pursuing hegemonic imperialism, the promotion of international law and international organizations has usually provided the United States with the means for reconciling the idealism of American values and aspirations with the realism of world politics and historical conditions. The U.S. government's resolute dedication to pursuing a legalist approach to international relations has proven to be critical for the preservation of America's internal psychic equilibrium, which in turn has historically been a necessary precondition for the preservation of its international standing.

Both well before and immediately after the First World War -- as well as immediately after the Second World War -- the United States established an excellent track record for pioneering innovative rules of international law and novel institutions for the peaceful settlement of international disputes. Drastic departures from this tradition of U.S. legalist diplomacy in order to follow instead a foreign policy based essentially on Machiavellian power politics produced only unmitigated disasters for the U.S. government both at home and abroad. In the case of the Bush Jr. administration, it could very well produce a Third World War. The choice is up to the citizens of the United States of America.

Unless and until the ordinary people of America rise up to challenge the elemental lawlessness of the Bush Jr. administration, the future of the human race will be determined by those Machiavellians who occupy positions of power and influence in America's government, its sycophantic think-tanks, its prostituted universities, and its corrupted news media. We must mobilize the common people of America to save humanity from these so-called experts. Only then can we expect to see some fundamental changes in the nature of the predicament created by the Bush Jr. administration's nihilistic international lawlessness that confronts America and the world today.

I believe it is true that most of the American people are basically unaware of the gross violations of international law being perpetrated in their name by their own government on a day-to-day basis. Once they have been informed, however, they are clearly outraged and have usually decided to do something to stop the elementally lawless behavior of successive U.S. administrations around the world. For example, during many of the civil resistance protest cases I have worked on during the past twenty-one years, the jury will acquit the defendants of all or some of the criminal charges and then afterwards be interviewed by representatives of the local news media. Routinely it has been the case that several members of the jury will publicly state that they were "shocked" to discover that the United States

government was committing such gross violations of international law, and that this factor had led them to acquit the defendants. Moreover, some of the jurors will state that they had been so "radicalized" by the trial that they thought they themselves should go out and start to protest in order to do something about the situation!

In any event, many of the jurors who are permitted to hear and consider our international law arguments in defense of civil resistance protesters invariably reach the conclusion that in light of the international criminal activities by the Reagan/Bush Sr./Clinton administrations with respect to nuclear weapons, Central America, South African apartheid, the Middle East, etc., the defendants did what they had to do in order to stop them. I submit that this is precisely the same type of reaction that most American people will have when properly informed and educated about the relevance of international law to the criminal misconduct of foreign policy by the Bush Jr. administration or, for that matter, by any successors. The pernicious thesis incessantly propounded by political "realists" that for some mysterious reason a democracy is inherently incapable of developing a coherent and consistent foreign policy without Machiavellianism simply reflects their obstinate refusal to accept the well-established primacy of law over power in the American constitutional system of government, and most importantly, in the hearts and minds of the common people of America. The future of American foreign policy lies in the hands of the American people -- not the bureaucrats, legislators, judges, lobbyists, think-tanks, pundits, professors, and self-styled experts who inhabit Washington, D.C. and New York City.

We must take and state our compelling case for obeying international law directly to the common people of America. Based upon my extensive experience with having done this for the past twenty-five years, the vast majority of American people will readily agree with the proposition that the United States government should possess a firm commitment to promoting the Rule of Law both at home and abroad. An enormous amount of work needs to be done explaining to the American people both why and how the Rule of Law must and can prevail in the daily conduct of U.S. foreign policy. But I personally have always found a very warm reception for international law arguments among the common people of America irrespective of their political persuasions. As far as most U.S. citizens are concerned, invoking the Rule of Law is as paradigmatically American as God, Motherhood, and Apple Pie. Most American citizens have suckled the Rule of Law since they were weaned from their mother's breast. It is high time to tap directly into this powerful psychic reservoir of respect for the Rule of Law that is so uniquely and most obsessively characteristic of the American people.

When properly and vigorously presented to the common people of America, a legal argument will always beat a Machiavellian argument on any issue I have ever dealt with. This is due to the fact that Machiavellian power politics violently contradict several of the most fundamental normative principles upon which the United States of America is supposed to be founded: the inalienable rights of the individual, the self-determination of peoples, the sovereign equality and independence of states, noninterventionism, respect for the Rule of Law, and the peaceful settlement of international disputes. By contrast, according to *The Prince*, the practice of Machiavellianism abroad requires the practice of Machiavellianism at home. The Machiavellian Prince has no friends; only present and potential enemies, both foreign and domestic. Thus, the Prince must wage physical warfare unremittingly against foreign rivals and periodically when necessary against his own people.

Furthermore, the Prince is also supposed to continuously engage in psychological warfare against his own subjects in all possible ways and upon all appropriate occasions.

It is for this reason that geopolitical practitioners of Machiavellian power politics such as Kissinger, Brzezinski, Haig, Kirkpatrick, Shultz, Wolfowitz and the other Neo-conservatives, etc., demonstrate little appreciation, knowledge, or sensitivity to the requirements of the U.S. constitutional system of government with its basic commitment to the Rule of Law, whether at home or abroad. Despite the Machiavellian predilections held by these self-anointed "realists," it is the inalterable nature of this "legalist" reality so intrinsic to the United States that has been unconsciously understood, internalized, and effectuated by the common people of America. They can almost innately comprehend that Machiavellianism abroad will inevitably destroy Constitutionalism and the Rule of Law at home.

That is precisely why these self-styled realists have attempted to fence-off the domain of foreign affairs and war as some exclusive preserve for their Machiavellian priesthood. Hence the key to victory is to repudiate their claims to expertise over arcane rights, and then proceed to democratize the conduct of American foreign policy down to the grass-roots level of this country. I would submit that the more genuinely democratic American foreign policy decision-making becomes, the more peaceful and law-abiding the U.S. government will be.

The present danger still remains Machiavellian power politics, both domestically and internationally. The only known antidote is the Rule of Law, both domestically and internationally. In a thermonuclear age, humankind's existential choice is that stark, ominous, and compelling. As Americans, we must not hesitate to apply this imperative regimen immediately before it becomes too late for all humanity.

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Abuse travels very well

By Jack A Smith, *Asia Times Online*, 15 May 2004

There are many differences between the United States war in Iraq and the war in Vietnam. But there are some obvious similarities. Both conflicts, for one example, involved widespread brutality by the American armed forces toward civilians and the torture of "suspected" enemies.

Thirty-five years ago, commenting on the American massacre in My Lai, Vietnam, this author wrote an editorial in the *Guardian* weekly (US) that contained the following paragraph:

"This calculated slaughter of the innocents is neither a mistake nor an aberration, neither a temporary moral lapse on the part of weary GIs nor the debased sadism of a few perverts. The murder of more than 500 civilian residents of My Lai -- children in arms, women and men -- is the quintessential expression of American imperialism and racism directed toward one hamlet in ravaged South Vietnam."

The murder, rape and torture of My Lai came to mind recently when President George W Bush insisted that the shattering revelations of the use of torture by the US military against inmates in Baghdad's Abu Ghraib prison were the product of a "few people who have stained the honor of this country". He argued, "that's not the way we do things in America".

The history of the US is nothing if not contradictory. Its extraordinarily productive economy has transformed the US into the world's most powerful state, and its society offers a certain degree of liberty, opportunity and benefit to some -- though hardly all -- of its citizens. As such, those who promote America depict the country as the apex of civilized development and the beacon of freedom and democracy.

In this connection, of course, it must be noted that the history of the US has been punctuated frequently by episodes of extreme barbarism, oppression and torture toward largely non-European peoples since it was colonized nearly 400 years ago. Our vast continental configuration is the product of a long campaign of genocide and displacement of the indigenous population; our economic growth was assisted until 1865 by over 200 years of slave labor from kidnapped and brutalized Africans who were tortured at the whim of their masters.

Aside from the deplorable and violent conditions that exist in many American prisons and the brutality and racism evident in some police departments, torture in the conventional sense is not a routine practice within the US proper, except for inhumane treatment in particular cases such as that of Muslims rounded up in the aftermath of the September 11 attacks on the Pentagon and the World Trade Center.

In our view, however, the events in Abu Ghraib prison constitute a metaphor not only for the Bush administration's unjust war against Iraq, but for Washington's frequent use of violence to extend and secure its economic and political interests, in Latin America for over a century, and throughout the globe after World War II. In a sense, the stunning new revelations were the equivalent of Washington's swaggering deployment of overwhelming force to subdue a virtually defenseless country -- writ small in the grotesque "thumbs up" jocularly that accompanied the enforced humiliation of terrorized inmates.

It may come as a surprise to some readers, but while a number of the cruelties devised by the guards go beyond Bush administration guidelines, many of their actions -- once defined as "cruel and unusual" -- are now considered within bounds. The types of punishment approved by the present US government include stripping detainees naked; the use of cameras to take pictures of naked detainees; hooding for interrogation and for long periods of time; requiring detainees to assume painful "stress" positions for long periods of time; prolonged sleep deprivation; use of dogs to intimidate prisoners during interrogation and elsewhere; exposure to heat or cold or cold water; sensory assault, including exposure to loud music and bright lights; isolation longer than 30 days; and threatening prisoners with abuse.

The members of the US Military Police who joyfully perpetrated sadistic outrages against Iraqi prisoners were undoubtedly under the impression, albeit distorted, that they too were promoting America's interests. They may have been poorly trained reservists resentful of prolonged service amid the chaos and confusion of a bungled occupation, but they are also volunteers who are continuously exposed to the full brunt of the Pentagon's "patriotic"

propaganda about Iraq constituting the very epicenter of a "war on terrorism" that threatens to destroy their families and home towns. The Abu Ghraib prisoners they tormented may well have been innocent civilians swept up in mass arrests, but to the MPs they were probable terrorists who might even be connected to September 11.

It is also likely that the seven prison guards (none of whom are officers) soon to face trial on charges of brutalizing inmates believed it was their responsibility to break the emotional and psychological will of their victims in order ease the task of Military Intelligence interrogators seeking information about the resistance forces. Their chosen means of accomplishing this assignment was to contrive circumstances grossly humiliating and disgraceful to Arab and Muslim men: public nakedness, enforced masturbation and feigned homosexual acts in front of an audience that included mocking young women soldiers. The photographs that so shocked the world were taken to exacerbate this humiliation, but judging by the smiles of several MPs posing in the background they were also intended to function as mementos in later years when the former guards reminisce about their wild and crazy year fighting for the freedom of Iraq and in defense of the homeland.

Obviously, the suggestion to force selected inmates to undergo sexual humiliation came from the military and "contract" interrogators experienced in techniques to expedite the acquisition of information from possibly reluctant individuals. The willingness of these prison guards to comply with such suggestions and to make sport of them as well bespeaks a deep-seated racism toward Arabs and contempt for the religion of Muslims that found its outlet in sexual degradation.

Fortunately, several of the Abu Ghraib guards disapproved of these practices, which were widely known throughout the prison because the photos had been circulated. One of the MPs, specialist Joseph M Darby, was sufficiently upset enough to report the matter to the Army's Criminal Investigation Division in January. Now back at their base in California, three of the MPs who were also disgusted by the actions of their fellow guards spoke to the press in early May. Said one: "They think that because we're Americans you can do whatever you want." Another commented, "I went to my superiors and said people were forgetting they're American soldiers," but they did nothing about it. And another: "I don't understand why we had to be so rude with these prisoners and beat the crap out of these guys."

Darby's revelation led to the late-February 53-page report on the situation by Major General Antonio M Taguba, who detailed what he termed the "sadistic, blatant, and wanton criminal abuses" at the prison. He also implied that Military Intelligence, which had acquired control over the prison section in question, sought to have the MPs participate in pre-interrogation torments.

The report was immediately provided to top Pentagon brass, but it was not intended to become public. The New Yorker magazine and author Seymour M Hersh somehow "obtained" a copy and it became the subject of a two-part article in early May. At a round the same time, copies of several of the incriminating photographs found their way to CBS News. General Richard Myers, the chairman of the Joint Chiefs of Staff, personally requested that the TV network delay showing the pictures, which it did for two weeks. Interestingly, although Myers and his boss, Defense Secretary Donald Rumsfeld, possessed copies of the

Taguba report for two months and had been briefed about its contents, neither as of last week had actually read it.

Six of the MPs were charged with abuse of prisoners on March 20, but were it not for the later leaked text of the report and especially the photos, it is improbable that the full extent of these war crimes would have been publicly revealed. Respected human rights agencies such as Amnesty International and Human Rights Watch repeatedly charged the Pentagon with abuse and torture since Iraq was invaded some 14 months ago, but their complaints were largely ignored by the corporate mass media and the government until the photographs made it impossible to suppress the extent of the abuse any longer.

The revelations have seriously compromised the Bush administration, particularly abroad, but at home as well, coming at a time when US strategy in Iraq has degenerated to a shambles due to the unanticipated resistance movement and the ineptitude of the "coalition" occupation. Bush had been expecting the impending trial of former president Saddam Hussein to help pave the way for his reelection in November, based on his "liberation" of Iraq from "Saddam's torture chambers". At this stage such a comparison would be counterproductive, although by election day American voters may have forgotten all about it. (A CNN poll not long ago resulted in 47 percent of respondents agreeing that torture may be justified during interrogation.)

Bush's politically centrist Democratic rival, Senator John Kerry -- who supports the war but insists he can "manage" it better than the present administration by attracting troops and money from presently aloof allies -- criticized the president for a failure of leadership that helped lead to the prison abuses. On May 12 he specifically mentioned the administration's demonstrated indifference to the Geneva Conventions on the treatment of prisoners: "This is something that comes out of an attitude about the rights of prisoners of war; it's an attitude that comes out of America's overall arrogance in its policy that is alienating countries around the world."

Bush and Kerry agree, however, that it is in imperial Washington's interests to depict the incidents at Abu Ghraib as the work of just a few US soldiers and not an outgrowth of America's actions over the years. Kerry stated that "what happened over there is not the behavior of 99.9 percent of our troops". A few days earlier, Myers declared that that "just a handful" of soldiers are guilty of mistreating Iraqi prisoners." On a surprise visit to Abu Ghraib May 13, Rumsfeld pronounced the misdeeds to be an aberration. Clearly, those who rule America are united in fighting the not unreasonable notion that the use of torture by the US military is systemic.

The same attempts to reduce the scope of US misdeeds to the actions of a "few bad apples" is another reminder of official attitudes when particularly heinous war crimes were uncovered in Vietnam. A certain army major working in Vietnam as a staff officer with the Americal Division (a unit of which was responsible for the My Lai Massacre) wrote the following response to allegations from an enlisted man that the division was engaging in the murder and torture of Vietnamese civilians: "There may be isolated cases of mistreatment of civilians and POWs," the major wrote on December 13, 1968, nine months after My Lai but before the incident became public knowledge in the US "[But] this by no means reflects the general attitude throughout the division ... In direct refutation of this portrayal [from the

whistle-blowing GI] is the fact that relations between American soldiers and the Vietnamese people are excellent." It took almost another year for the truth about My Lai to become published. The major's attempted coverup did him no harm, however. He was ultimately promoted to general and, in January 2001, Colin Powell became the US Secretary of State.

Actually, torture is not uncommon in terms of Washington's interaction with many other countries and in the overall "war on terrorism". Let's look at a few of Washington's experiences with torture in modern times.

After organizing the overthrow of the elected government of Iran in 1953 in order to install a puppet monarchy in Teheran -- a political catastrophe resulting in the torture and deaths of thousands of defenders of democracy -- the Central Intelligence Agency (CIA) created SAVIC, one of the most vicious secret police agencies in the world. To protect its investment, the CIA trained SAVIC in the most up-to-day varieties of torture, which it deployed with abandon until the Shah of Iran was ousted a quarter-century later.

Starting in the mid-1960s, various US government agencies trained the right-wing regime in Uruguay in the refinements of torture. In addition to providing lessons, and taking part in the torture of dissidents and suspected communists in Uruguay, the CIA offered two-month training courses in the US. Over the years the same instructions were provided to the governments of Bolivia, Brazil, Chile, El Salvador, Guatemala, Honduras and other Latin American regimes, leading to the mass use of torture in Latin America and to the creation of the notorious death squads.

America's most well documented direct participation in mass torture took place during the Vietnam War years when the CIA and US soldiers subjected tens of thousands of poor peasants and "Viet Cong" suspects to the most painful punishments devised since the Inquisition. My Lai was not unique. Nearly 30 years after Vietnam was liberated, the hidden horrors perpetuated by the US are still emerging. The Toledo (Ohio) Blade newspaper won a Pulitzer Prize last month for exposing the atrocities and tortures conducted by the so-called Tiger Force unit.

The US involvement with torture has increased measurably since the Bush administration launched its "war on terrorism" in September 2001, but most of it is conducted outside the country in various concentration camps operated by the Pentagon in Iraq, Afghanistan and Guantanamo Bay (Cuba); in smaller secret facilities run by the CIA in unnamed locations in order to interrogate alleged top al-Qaeda suspects; and in foreign countries within Washington's orbit which engage in torture themselves.

This latter practice is known as "rendering," and it consists of turning alleged "terror suspects" over to foreign intelligence services for torture, usually with an agent of the US in attendance. According to the Washington Post of May 11, "Egypt, Morocco, Jordan and Saudi Arabia are well-known destinations for suspected terrorists" identified by the American government. The article revealed that "the Saudis currently are detaining and interrogating [torturing] about 800 terrorism suspects, said a senior Saudi official. Their fate is largely controlled by Saudi-based joint intelligence task forces, whose members include officers from the CIA, FBI [Federal Bureau of Investigation] and other US law enforcement agencies."

All told, over 43,000 Iraqis have been arrested by the US occupation army, up to 90 percent of whom, according to a February report by the usually reticent International Red Cross, had been "arrested by mistake". Many have been subjected to brutality by American troops. Many have been injured or tortured. Many were incarcerated for months without the knowledge of their families. None had legal representation. Some were killed. Amnesty, Human Rights Watch and the Red Cross have identified hundreds of such incidents since the invasion began in March, 2003. The Red Cross concluded that US arrest and detention policies in Iraq "are prohibited under international humanitarian law". Even Washington's hand-picked and usually pliant Iraqi Governing Council several months ago bitterly complained to the ruling Coalition Provisional Authority about arrest and incarceration abuses, to no avail.

So far, 34,000 of the apprehended Iraqis have been released without charges. Most of the rest will be released in time -- a process that has been accelerated since the Abu Ghraib crimes became publicly known. Only 600 have ever been charged with a crime, mostly of a civil nature. And nearly all of those arrested, including opponents of Saddam, now despise the US for portraying itself as a "liberator" while acting in the fashion of an overlord.

The Abu Ghraib episode is not a question of a few GIs "staining the honor of their country". It's a matter of the Bush administration undermining what remains of America's honor by engaging in brutal tactics against a civilian population after killing 10,000 other non-combatants in an unjust and illegal war.

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Torture photos push U.S. occupation of Iraq deeper into crisis Beginning of the end?

Socialist Worker, 14 May 2004

The sickening photos from inside the U.S. torture rooms in Iraq have revealed the essence of Washington's occupation of Iraq -- a drive to subjugate an entire people to the American empire. It was the moment when Washington's last remaining justification for the war -- that the Iraqi people were "liberated" from the rule of a dictator -- was shattered.

The political fallout may well mark the beginning of the end for the U.S. in Iraq. Former NATO military chief and one-time Democratic presidential contender Wesley Clark estimated a "two-to-one chance of a catastrophic early end to this mission. That means the Iraqi people will simply say, 'We want the Americans out of here.' You'll see a large outpouring of public animosity in Baghdad and elsewhere, a million Iraqis demonstrating in the streets of Baghdad against us."

Even if the U.S. manages to keep its claws in Iraq, the crisis for Washington's foreign policy goes far beyond the Middle East. "We are in danger of losing something much more important than just the war in Iraq," wrote *New York Times* columnist Thomas Friedman.

"We are in danger of losing America as an instrument of moral authority and inspiration in the world. I have never known a time in my life when America and its president were more hated around the world than today."

When hacks like Friedman discuss the "moral authority and inspiration" of the U.S., what they really mean is Washington's ability to crush its enemies in order to bully the rest of the world -- supposed allies in Europe included -- into line. The conquest of Iraq was intended to achieve that aim -- and consolidate Washington's dominance as the world's only superpower.

A year ago, the debate in Washington was whether the U.S. military should go on to conquer Syria or target Iran next in its mission to "remake the Middle East" into a free-trade zone of U.S. puppet regimes. It's hard to overstate the scale of the political change since then.

First, the U.S. military was stretched by the Iraqi resistance, which has only grown stronger as fury over American rule has spread. Next, Bush's pro-war cabal was politically discredited by the failure to find weapons of mass destruction and its inability to establish a credible "sovereign" government in Iraq. Now, the torture scandal has revealed the U.S. ideological justification of "liberation" as a smokescreen for imperial conquest.

The photos from Abu Ghraib would have caused worldwide outrage under any circumstances, but their political impact was magnified a thousand-fold by the scale of the resistance to the occupation within Iraq. The failed siege of Falluja last month -- which ended with the U.S. making a deal with a former Baathist general so that it could retreat -- and increased casualties among U.S. soldiers were already sending shock waves through the Pentagon and the Washington political establishment.

Now the torture scandal makes it clear to the world just why Iraqis are fighting back so fiercely -- and why they'll keep doing so until the U.S. is gone. In their failing efforts to crush the resistance, U.S. military commanders are using tactics perfected by the Israeli occupation of Palestine -- house-to-house combat, roundups of suspected fighters, bombardment by tanks and planes in densely populated civilian areas, and, of course, the torture of prisoners.

Incredibly, the Bush administration is still trying to explain the Iraqi resistance away as "foreign fighters" and "former regime elements" and "religious extremists." But the torture, humiliation -- and, according to investigators, murder -- of uncounted numbers of defenseless people is explanation enough for why Iraqis are taking up arms against the U.S. invaders.

That's why Washington finds itself with the dilemma faced by every imperial power in the past: whether to prolong their rule over a conquered people through ever-greater force -- or face the inevitable and get out. Some voices in the U.S. foreign policy establishment are already calling on Washington to admit failure and withdraw -- such as the former head of the National Security Agency chief, retired Lt. Gen. William Odom.

But Iraq is at the heart of U.S. strategy to dominate the world through control of the country's oil and its strategic position in the entire Middle East. That's a goal shared by the

entire U.S. ruling class. It may accept alternative tactics to attain that goal -- and maybe even a new occupant in the White House come November -- but it won't surrender a crucial outpost of U.S. imperialism in Iraq without a much bigger fight.

That's why Bush's rival for the presidency, Sen. John Kerry, refuses to call for a pullout of U.S. troops. Likewise, when Bush abandoned the pretence that the U.S. is an "honest broker" between Israel and the Palestinians, Kerry went along immediately with Bush's blank check for Israeli Prime Minister Ariel Sharon.

Kerry is frank in his efforts to sell himself to Corporate America as a more competent person to advance the interests U.S. imperialism, vowing not to "cut and run" in Iraq. Thus, the young antiwar Vietnam veteran who said before the Senate in 1971, "How do you ask a man to be the last man to die for a mistake?" is today asking more troops to die for oil and empire. Support for John Kerry undermines our task -- stepping up our efforts to demand an end to the occupation.

Millions of people who reluctantly went along with the war -- or even supported it -- have been forced to confront the horror that the U.S. brought to Iraq. According to opinion polls, about half of people in the U.S. think that America should get out of Iraq as soon as possible.

Some critics of the Bush administration at home and abroad are looking for ways to "fix" the occupation -- through a greater role for the United Nations, or reforming the policies of U.S. military authorities. But the torture scandal shows what happens in a military occupation of a conquered people -- brutal subjugation through force. It can't be reformed, fixed or made humane -- still less be used to install "freedom" and "democracy."

The Iraqi people are fighting the U.S. occupation in order to determine their own future -- and they have every right to do so. We have to step up the demand to get the U.S. out of Iraq -- now -- and end this nightmare.

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Generals in a labyrinth of blame

The Age, 15 May 2004

The abuse by US soldiers might have resulted from a new set of rules established by political and military authorities, reports Marian Wilkinson.

'Let me begin by stating the obvious,' said Senator Jack Reed, as he stared down at Secretary of Defence Donald Rumsfeld sitting at the witness table. "For the next 50 years, in the Islamic world and many other parts of the world, the image of the United States will be that of an American dragging a prostrate, naked Iraqi across the floor on a leash."

Senator Reed, a West Point graduate and former paratrooper, captured in one exchange what may be the "tipping point" in America's support in the war in Iraq. This week, for the first time, the majority of Americans said in polls that they do not believe the war is worth it.

The images from Abu Ghraib prison, like the My Lai massacre in Vietnam, are profoundly testing the faith of Americans, both Democrat and Republican, in the prosecution of the war.

Despite President Bush's ringing endorsement of Rumsfeld, the powerful conservative Republican movement has split, and some of its leading commentators are demanding Rumsfeld's resignation as a way to stem the growing tide of opposition to the war.

The beheading of the American Nick Berg by Islamist terrorists, allegedly in retaliation for the abuses, has done little to rally the country back behind the war.

Neither did Rumsfeld's hastily arranged seven-hour visit to Abu Ghraib jail and Baghdad to boost the troops' morale. "You folks have helped liberate 25 million human beings," Rumsfeld told them. "You're showing the people of Iraq and, indeed, the people of the world who will look, the character of the country that we're from and the character of the men and women in the armed services."

But as Rumsfeld spoke, some at home were asking what indeed has become of the character of the country and its military since the war on terror began.

Congressmen filing out of a secure room on Capitol Hill this week after seeing new photos of the abuses at Abu Ghraib were sickened by scenes of torture and brutality perpetrated by US soldiers, including the savaging of prisoners by dogs and threats of sodomy. "It felt like you were descending into one of the wings of hell," said one senator.

The traumatic quest to explain what led to Abu Ghraib is just beginning. Americans are only now learning that Iraqi and Afghan detainees have died under questioning by CIA and military intelligence officers, that interrogation manuals and "matrixes" cleared by Pentagon lawyers allow techniques banned by the third Geneva Convention, which protects prisoners of war, and that Rumsfeld personally approved "harsh" treatment on Guantanamo Bay detainees.

An extraordinary list of the "rules of engagement" for interrogations in Iraq, signed by the top US general there, Ricardo Sanchez, was handed to senators this week. While it states that the Geneva Convention applies under Sanchez's command, the rules included "Stress Positions", "Presence of Mil(itary) Working Dogs", isolation of prisoners for longer than 30 days, sensory deprivation that would allow prisoners to be hooded for three days and unexplained "approved approaches" such as "Fear Up Harsh" and "Fear Up Mild".

The head of Human Rights Watch in America, Ken Roth, believes there is a direct link between the rampant abuses at Abu Ghraib and decisions made by the Pentagon and the White House after September 11 to circumvent the Geneva Convention for detainees captured in the war on terror. Back then, Bush decided that the Geneva Convention would not apply to any suspected al-Qaeda detainees.

"The Abu Ghraib outrages are not simply the product of a small group of sick and misguided soldiers," said Roth. "The sexual abuse of prisoners, despicable as it is, is a logical consequence of a system put into place after September 11, 2001, to ratchet up the pain, discomfort and humiliation of prisoners under interrogation."

This week, after being criminally charged with abuses at Abu Ghraib, the chubby-faced, pregnant and unapologetic Private Lynndie England spoke publicly for the first time about the infamous photograph of her holding a naked Iraqi prisoner on a leash. "I was instructed by persons in higher ranks to stand there and hold this leash," England told a local television station. Her lawyers so far have failed to find out who set up that scene of abuse.

Some of England's fellow officers claimed they were the result of a late-night escapade by a few military guards. But the abuses took place over several months, and Republican senator Susan Collins questioned senior military witnesses about this theory.

"If a small group of guards on their own initiative decided to abuse their prisoners, I am very sceptical that they would have chosen bizarre sexual humiliations that were specifically designed to be particularly offensive to Muslim men," said Collins. "It seems to me that it is far more likely that a group of out-of-control, undisciplined guards would beat up prisoners, not strip them naked and put them in a human pyramid."

General Keith Alexander, the Army's Deputy Chief of Staff, agreed with her. "Your logic is correct," he replied.

Major-General Antonio Taguba's report for the army into the abuses leaves hanging the question of who instructed the guards in their bizarre poses. Taguba blamed the abuses on "a total breakdown in the command structure" at the jail, slamming the guards' overall commander, Brigadier-General Janis Karpinski. But he also pointed the finger at military intelligence officers working at Abu Ghraib and their private contract interrogators.

Taguba had no brief to investigate military intelligence. That investigation is now being conducted by Army Intelligence itself, under Brigadier-General George Fay. But buried in the evidence from military witnesses before the Senate Armed Services Committee this week are clear signs that the abuse and torture of detainees, from Guantanamo Bay to Iraq, is an issue that has split the US military and intelligence services for almost a year. That split went all the way up to the highest levels of the Pentagon, if not the White House.

General Karpinski, who was in charge of all the detention centres in Iraq, says the abuses began after the Pentagon sent the former commander of Guantanamo Bay, Major-General Geoff Miller, to Iraq in late August last year.

Miller's mission began shortly after the horrific suicide bombing of the UN headquarters in Baghdad. He was encouraged by Rumsfeld's senior intelligence aide, Stephen Cambone, to ensure there was "a flow of intelligence" from detainees in Iraq.

Sanchez issued his new rules of engagement for interrogations in October. A military intelligence officer, Colonel Thomas Pappas, became a key figure in the running of the jail and its new interrogation centre was also put under the control of military intelligence and private contract interrogators. CIA officers were also regular visitors.

The surge in abuses was noted almost immediately by the International Committee of the Red Cross, who visited the prison in mid-October.

The Red Cross wrote to General Karpinski to complain but soon after, she was informed that General Sanchez had placed Abu Ghraib formally under the command of Colonel Pappas. The abuses and the photographs continued at least until mid- December. It was only after a military guard literally pushed some of the photographs under the doors of military investigators in January that the army launched an investigation.

By the time the army acted, the Red Cross, along with every major human rights organisation in America, had repeatedly written to Bush and every member of his senior national security team about the abuse of detainees. Letters were sent to National Security Adviser Condoleezza Rice, Secretary of State Colin Powell, Rumsfeld and CIA Director George Tenet, demanding investigations into allegations of serious human rights abuses of detainees in Afghanistan, Guantanamo Bay and Iraq.

As well, lawyers in the Pentagon's own legal office, the Judge Advocate General Corps, were so concerned that the prohibitions on torture were being watered down that they privately approached the New York Bar Association's Committee on International Law, asking for help. The officers told the association's Scott Horton last year that they believed the Pentagon's general counsel was deliberately creating "an atmosphere of ambiguity" that would allow detainees to be abused.

The White House is hoping the political damage from the Abu Ghraib scandal has reached its zenith. But with further disclosures likely within weeks of abuses by both CIA and military intelligence officers, support for Rumsfeld and the war he championed is likely to be diminished still further.

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Guidelines for Interrogating Iraq Inmates

The Associated Press, 15 May 2004

The following interrogation guidelines were provided to interrogators with the 205th Military Intelligence Brigade, who managed questioning of prisoners at Abu Ghraib prison. These guidelines were given to members of Congress looking into allegations of abuse there.

It contained two lists of interrogation techniques -- a list of methods that an interrogator could use freely, and a list he or she could use only with approval from the senior military officer in Iraq.

The first list comprises a series of psychological ploys aimed at getting a prisoner to talk. "Direct" means direct questioning of the detainee; "Incentive" might mean offering him cigarettes; "Fear Up Harsh" means trying to scare him. However, the Pentagon did not offer precise definitions of each technique.

The second list -- the techniques requiring high-level approval -- includes more controversial

methods that some describe as torture, such as manipulating a prisoner's diet, sleep patterns or environment, or putting him in difficult positions. Pentagon officials say these methods can be applied within the framework of the Geneva Convention, as long as the prisoner's basic physical needs are met.

Senior military officials said Friday that after the guidelines were posted, only requests to isolate prisoners were approved by senior commanders.

In the guidelines, presented here verbatim, "CG" means "commanding general." "CJTF-7" is shorthand for the military command in Baghdad. "205th MI Cdr" is the commander of the 205th Military Intelligence Brigade, and "FM 34-52" is a military regulation. "OIC" is officer-in-charge.

INTERROGATION RULES OF ENGAGEMENT

Approved approaches for all detainees

Direct

Incentive

Incentive Removal

Emotional Love / Hate

Fear Up Harsh

Fear Up Mild

Reduced Fear

Pride & Ego Up

Futility

We Know All

Establish Your Identity

Repetition

File & Dossier

Rapid Fire

Silence

Require CG's Approval

Requests must be submitted in writing

Change of scenery down

Dietary Manip (monitored by med)

Environmental Manipulation

Sleep Adjustment (reverse sched)

Isolation for longer than 30 days

Presence of Mil Working Dogs

Sleep Management (72 hrs max)

Sensory Deprivation (72 hrs max)

Stress Positions (no longer than 45 min)

Safegaurds

- Techniques must be annotated in questioning strategy
- Approaches must always be humane and lawful
- Detainees will NEVER be touched in a malicious or unwanted manner
- Wounded or medically burdened detainees must be medically cleared prior to interrogation
- The Geneva Conventions apply within CJTF-7

EVERYONE IS RESPONSIBLE FOR ENSURING COMPLIANCE TO THE IROE.

VIOLATIONS MUST BE REPORTED IMMEDIATELY TO THE OIC.

The use of the techniques are subjects to the general safeguards as provided as well as specific guidelines implemented by the 205th MI Cdr, FM 34-52, and the Commanding General, CJTF-7.

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The Iraqi Prisoner Abuse Scandal:

It Shows Why the Court Must Decide In Favor of Judicial Review in the Guantanamo Cases By Edward Lazarus, elazarus@findlaw.com, *Findlaw*, 13 May 2004

As is evident from the frantic positioning of Republican and Democratic politicians, the scandal arising from the abuse of Iraqi prisoners is likely to have far-reaching political consequences. Less obvious, but no less important for the long-term, are the legal consequences that may well flow from the military's unconscionable treatment of those it has taken into custody.

Right now, the Supreme Court has before it the cases involving the Al Qaeda suspects detained at the Guantanamo Naval Base in Cuba -- as well as the two American citizens, Yaser Hamdi and Jose Padilla, being held on U.S. soil. These cases raise a historic question: Can the Executive Branch unilaterally designate these detainees as "enemy combatants"; hold them indefinitely without charging them with any crime; fail to treat them as prisoners of war; and refuse them access to counsel -- all without the possibility of review by the judiciary?

After the Iraqi prisoner abuse revelations, the prospect of this kind of unreviewable detention is all the more frightening. Even with military court-martial a possibility, the Iraq abuses occurred. Without any court watching, what will happen in U.S. prisons, run by our country in our name?

What limits will be placed on what can be done? The answer may well be: Only the ones upon which our courts, interpreting our Constitution insist. And the courts can only insist, if they have jurisdiction to inquire.

Defenders of the Administration claim that the prison abuse scandal should have no effect on the legal issues before the Court. But this is just so much nonsense. It is like asking the *Brown v. Board of Education* Court to ignore the effect of segregated schools.

Making Already High Stakes Even Higher: The Guantanamo Cases

As I noted in a prior column, when the Supreme Court first decided to review the detention of the Guantanamo prisoners, it has always been clear that the stakes in these cases were monumental.

The Bush Administration has taken the position that the Executive may incarcerate anyone, even citizens, for an indefinite time, without meaningful judicial review -- so long as the Executive, in its discretion, designates those persons "enemy combatants." That position is an unprecedented claim of Executive power -- and one that strikes at the heart of the Constitution's system of checks and balances.

Going back to before the Magna Carta, such detentions have posed the risk of both mistaken imprisonment, and the mistreatment of prisoners. Protecting against such evils is the very purpose of the ancient writ of habeas corpus by which a prisoner may challenge the legality of his or her detention.

For that reason, I described the Guantanamo cases in my previous column as the kind that define as the soul of a nation and its institutions.

In light of the torture of Iraqi prisoners, it is now even more important that the Supreme Court definitively reject the Administration's claim of unbridled power. After all, the Administration's position always boiled down to the idea that the Executive could be "trusted" to handle the detainees fairly and appropriately.

That notion lies in tatters now -- rebutted by pictures so awful, we find them difficult to bear, and feel a national shame at the acts to which they testify. If the Court accepts the Administration's "just trust us" argument even after all the grisly instances of Executive Branch misconduct that have recently emerged, then it will be guilty of a moral as well as legal abdication of catastrophic magnitude.

Oral Argument In Padilla: A Lie About Torture Undermines A Bid For Trust

At oral argument in *Padilla v. United States*, Justice Ruth Bader Ginsburg recognized the centrality of the risk of prisoner mistreatment to the issues raised in the case. She saw that absent a judicial check on the power of the Executive to detain prisoners, and sequester their cases from judicial scrutiny, abuses could occur.

As Justice Ginsburg pointed out, some regimes (though not ones the United States seeks to emulate) use torture to obtain intelligence information. "Suppose," she asked Deputy Solicitor General Paul Clement, who was arguing the Administration's position before the Court, "the Executive says 'mild torture, we think, will help get this information?'"

Clement did not hesitate in his answer: "Well, our executive doesn't, and I think the fact that executive discretion in a war situation can be abused is not a good and sufficient reason for judicial micromanagement in overseeing that authority. You have to recognize that in situations where there is a war, where the government is on a war footing, that you have to trust the executive." (Emphases added).

It turns out, of course, that the Executive cannot even be trusted to give a truthful answer to the Supreme Court. In fact, our executive does use torture -- though Clement surely didn't know it. (No lawyer in the Solicitor General's office - whose main job it is to represent the federal government before the Supreme Court - would risk his or her credibility with the Justices by responding to a question with a knowing falsehood.)

At the time Clement answer, his client -- the Department of Defense -- had known about the torture of Iraqi prisoners for months. Nevertheless, DOD let its lawyer argue before the Court while he was blind to a fact of obvious relevance -- and to therefore unknowingly lie to the Justices of the Supreme Court of the United States.

This lie to the nation's highest tribunal, too, ought to be laid at Secretary Rumsfeld's door by those who call for his resignation.

Why the Court Cannot Trust the Executive Branch to, In Effect, Review Itself

But mightn't the Iraqi prisoner abuse be an aberration? Can't we generally trust the Executive Branch? The answer is: Absolutely not. Not only actual evidence, but structural analysis, testifies to the fact that without judicial review, abuses will inevitably occur, be covered up, and remain unremedied.

The "Executive Branch" is a label for an enormous web of bureaucracies, all ultimately responsible to the President. Naturally, the actions of the Executive Branch, both good and bad, inevitably reflect the limitations and weaknesses inherent in any far-flung human enterprise.

Such human institutions respond to pressure. And pressure creates both errors and sins.

The War on Terror exerts enormous pressure on the Executive Branch. Its invocation has sent the U.S. military to distant lands to fight an ill-defined foe, amid a civilian population whose language and culture most soldiers do not comprehend.

Under the circumstances, it should come as no surprise that the military detains lots of Afghans and Iraqis who pose no legitimate threat to the United States. (Indeed, Red Cross estimates suggests that the overwhelming majority of Iraqi prisoners were imprisoned by mistake.)

Nor should it come as a surprise that, in order to obtain vital intelligence from detainees, the military and other law enforcement have crossed the line of lawful interrogation. It should even be no surprise that, while detaining a large number of ethnically distinct and often uncooperative prisoners, some considerable number of individuals have exhibited the unfortunate human tendency towards cruelty and even sadism.

Bureaucracies, however, are not inclined to admit mistakes or problems, and especially not ones that are highly embarrassing. Bureaucracies cover up, sweep under the rug, ignore, or bury.

This natural tendency, moreover, is dramatically enhanced when partisan politics are added to the mix. No President in the midst of a bitter re-election campaign (or at any time, for that matter) wants to admit problems within the agencies under his purview -- nor, typically, do any of his underlings. Note that Richard Clarke, who has stepped down, feels he can apologize for mistakes and omissions that led to 9/11; but those still in office plainly feel they cannot.

Everything we know about the conduct of the War on Terror confirms this view of the Executive. No one within the Executive wanted to own up to the glaring weaknesses in our pre-9/11 intelligence gathering. No one within the Executive wanted to own up to having detained many, many innocent civilians -- in Iraq, in Afghanistan, and even in the United States, through the sweeping detention of noncitizens after 9/11. (As Anita Ramasastry has described, this detention has now been well-documented, and admitted at least by the Office of the Inspector General.)

No one wanted to own up to prisoner abuse -- and now, in a classic act of self-preservation, this abuse is attributed to just a few "bad apples."

Why the Iraqi Prisoner Abuses Are Directly Relevant to the Cases Before the Court

So what does this have to do with Padilla, Hamdi, and the Guantanamo detainees? Everything.

The framers of our Constitution understood the risk of abuse of power within every branch of government, and the inability of each branch to police those potential abuses itself. That is why they created the scheme of checks and balances. And that is why they created an independent federal judiciary (life-tenured, with a fixed salary) that could not be swayed, or tempted away from enforcing Constitutional rights when the other branches infringed them.

There are no principle more fundamental to our Constitution -- or more responsible for separating our own Constitution from those of many other countries around the world that have proven to be glorious but worthless declarations of rights -- than these: An independent judiciary with the power of judicial review. A system that prevents abuse of power by dividing it.

If the Supreme Court exempts the Administration from the essential structure of the Constitution -- in the face of gruesome evidence from Iraqi prisons vindicating that very structure -- then more will have been lost in Iraq than even the terrible price of our people's blood. We will have lost ourselves.

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