

# The Ghosts of 9-1-1: Reflections on History, Justice and Roosting Chickens\*

Ward Churchill

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## Preface

“The Ghosts of 9-1-1” is the fully developed version of “Some People Push Back,” my gut-reaction to the spectacular attacks on the Pentagon and World Trade Center carried out by al-Qaida on September 11, 2001. The latter was requested by the editor of the now defunct journal *Dark Night field notes* on a “most urgent” basis, written in essentially stream of consciousness fashion over the next twenty-four hours, and had been posted on the journal’s blog, *Pockets of Resistance*, by September 15. The formal essay, which appears hereafter, was written over the next year and served to frame my 2003 book, *On the Justice of Roosting Chickens* (AK Press), which was a runner-up for the Gustavus Meyer Award for writing on human rights in 2004, mainly by virtue of its inclusion. It is now collected in my *Wielding Words Like Weapons* (PM Press, 2017).

As is well known, “Some People Push Back” attracted little attention until January 2005, when it was belatedly discovered by the virulently reactionary American Council of Trustees and Alumni (ACTA), an organization founded a decade earlier by prominent neoconservative and then-future vice president Dick Cheney’s wife, Lynne, and dedicated to purging university faculties of dissident voices. At the time my 2001 opinion piece was turned up by one of its researchers, ACTA was trying to identify a single professor who might best serve as the “poster boy” of an intensive national campaign to further its agenda. On the strength of my September 2001 characterization of many of those killed in the WTC attack not as “innocent Americans,” but instead as “little Eichmanns” forming a key component of the “technocratic corps empire” instrumental in causing the mass immiseration and truncated lifespans of dark-skinned people the world over, I apparently filled the bill.

In short order, I was engulfed in a well-orchestrated and media-generated “firestorm of controversy” in which, among other things, I was the focus of segments in now-disgraced rightwing spinmeister Bill O’Reilly’s *The O’Reilly Factor* for forty-one nights in a row and well over four hundred stories in the Denver press were devoted to “exploring” every nuance of my personal and professional background over a period of roughly ninety days. Colorado governor Bill Owens, a member of ACTA’s “Governor’s Council,” publicly demanded that I be fired from my tenured professorship at the state’s flagship university, as did Owens’ New York counterpart, George Pataki. State legislatures in Colorado, New York, and Wisconsin passed resolutions condemning me, while Colorado’s threatened to cut off the university’s funding unless I was removed from the faculty forthwith. ACTA, for its part, published a nationally distributed “study” titled *How Many Ward Churchills?* describing how the country’s professoriate was supposedly infested with individuals holding views similar to mine.

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Ultimately, the need to pull the veil of liberal democratic illusion prevailed, and it was announced that I could not and therefore would not be summarily fired simply for exercising my constitutionally protected right to express my political views, “no matter how repugnant.” Simultaneously, however, it was announced that an extraordinary investigation was being initiated by the university administration to examine “every word [I’d] ever published” in order to ascertain whether I hadn’t been at some point engaged in scholarly offenses that might provide a legally defensible basis upon which I might be fired “for cause.” It took them two years, three committees, the hiring of a president who’d been a cofounder of ACTA, and immunization of collaborating faculty members, to concoct an at least superficially plausible pretext, but in July 2007 the university’s board of regents—at least two of whom were themselves involved with ACTA—were able to fire me for supposed “academic misconduct.”

As the Colorado Council of the American Association of University Professors (AAUP) documented in exhaustive detail in a 130-page report released in 2011,<sup>1</sup> following a year-long investigation, the official and highly publicized findings that I’d been guilty of “fraudulent scholarship” were themselves not only fraudulent from start to finish, but transparently intended to destroy both my personal reputation and the credibility of my entire body of work. By then, a local jury had already concurred, having heard four weeks of testimony during a trial in which the university mustered its best case, and delivering a verdict in April 2009 holding that I’d been fired *solely* on the basis of my political views. Tellingly, the judge, an alumnus of the university, then vacated the verdict on grounds that the board of regents enjoy “quasi-judicial immunity” from legal consequence in personnel matters—including those involving tenured faculty members—even when their actions are taken in violation of employees’ constitutional rights.

The judge, Larry Naves, shortly received an “Alumni Service Award” from the University of Colorado law school, while his unprecedented ruling was upheld first by the state’s appeals court, then its supreme court. The U.S. supreme court then declined to review the Colorado high court’s decision, thereby allowing it to stand as a precedent to be cited by any state university desiring to rid itself of those giving voice to “unpopular” sentiments and analyses. In effect, all pretense to the contrary notwithstanding, all faculty members of such an institution serve entirely at the discretion of administrators and trustees, who are in turn answerable to those holding the reigns of power and purse. So much for the mythic notions of academic freedom and tenure protections, to say nothing of legal recourse and other such “liberal democratic ideals.”

In this vein, it should be emphasized that while I may have served as the initial target for neutralization in the right’s drive to narrow the range of political analysis and discourse in “institutions of higher learning” to the point of ideological conformity, I was by no means the last. By the time my case was well underway, Norman Finkelstein at DePaul, Shahid Alam at Northeastern, Nicholas de Genova and virtually the entire Middle-East Studies faculty at Columbia, and others had been placed in the crosshairs by ACTA, Daniel Pipes’ Campus Watch, the David Horowitz Freedom Center’s various subgroups, and other such organizations. While only the Finkelstein case, and perhaps that of de Genova, yielded outcomes comparable to mine, the campaign remains very much ongoing, as is witnessed by the 2015 example of Steven Salaita at the University of Illinois. Overall, there have been hundreds of similar but relatively unpublicized scenarios acted out over the past dozen years.

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The whole, of course, has been greater than the sum of its parts in terms of the effects engendered by all this. Each individual subjected to the rituals of humiliation encrypted in the process of being made an example has served as a warning to those less outspokenly critical of the prevailing order to remain so lest they be next. The result, as was intended from the outset, has been a chilling effect, a phenomenon manifested in a noticeable decline in the willingness of faculty to incur personal/professional risk by openly expressing “objectionable” political opinion or producing scholarship seriously challenging to the preferred narratives of the status quo. Indeed, there has been an equally marked shift toward the production of material that is either irrelevantly “neutral” or consciously reinforcing of orthodoxy and therefore presumably “safe.”

It was thus by no means coincidental that the initial formulation of the present essay, contending as it did that the 9/11/2001 attacks were in all probability a rather natural response to the ghastly and ever-mounting toll taken by the imperial aggression of the U.S. and its Israeli client state in the so-called Middle East—especially upon Iraqi and Palestinian children—and situating those atrocities in the unremittingly racist genocidal sweep of American history, was selected to exemplify that which ACTA and its cohorts were and are seeking to expunge. Nor was it mere happenstance that the essay itself was in some respects a crystallization of analyses advanced by my broader body of work, or that, to varying extents and each in its own way, the scholarship of those named above, and those left unnamed as well, overlapped with and complemented mine.

Our collective project, if it may be called that for the purpose at hand, consisted—and at least in my own case still does—of demolishing the smugly triumphalist U.S. narrative of itself, undercutting the imbedded codes of denial sustaining its oft and loudly asserted self-image of “innocence” by exposing the inherent ugliness of its true character and calling Good Americans to account for what it is that they’ve actually embraced and enabled, even if only by way of acquiescence. To be sure, the project is multifaceted and otherwise complex, but ultimately boils down to an insistence upon calling things by their right names, as I’ve sought to do with everything I’ve ever written, and as is plainly the case with Finkelstein, Alam, Salaita, de Genova, and all the others who’ve been targeted for academic excommunication.

Be it said that killing the messenger(s) will have accomplished nothing in the end, however. Genocide is and will remain genocide, after all, *not* “ethnic cleansing” or “ethnocide.” Concocting euphemisms, or seeking to redefine the crime in a manner excluding whatever genocidal processes one is involved in, will never redeem those hoping to evade the onus of carrying such names as “perpetrator” or “accomplice.” Put another way, those outraged by being referred to as “little Eichmanns” need only stop acting like the original in order to avoid such indignities. In the alternative, they will be deserving of that and much worse. As I observed in “Some People Push Back” and again in “The Ghosts of 9-1-1,” the penalty will eventually have to be paid in full.

Ward Churchill  
September 11, 2017

## Introduction

As ye sow, so shall ye reap.  
—*Galations*, 6:7

September 11, 2001, will now and forever be emblazoned in the shorthand of popular consciousness as a correlation to the emergency dialing sequence, “9-1-1.” On that date, a rapid but tremendous series of assaults were carried out against the paramount symbols of America’s global military/economic dominance, the Pentagon and the twin towers of New York’s World Trade Center (WTC), leaving about one-fifth of the former in ruins and the latter in a state of utter obliteration. Initially, it was claimed that as many as 5,000 U.S. citizens were killed, along with 78 British nationals, come to do business in the WTC, and perhaps 300 other “aliens,” the majority of them undocumented, assigned to scrub the floors and wash the windows of empire.<sup>2</sup>

Even before the first of the Trade Center’s towers had collapsed, the “news” media, as yet possessed of no hint as to who may have carried out the attacks, much less why they might have done so, were already and repeatedly proclaiming the whole thing “unprovoked” and “senseless.” Within a week, the assailants having meanwhile been presumably identified, *Newsweek* had recast the initial assertions of its colleagues in the form of a query bespeaking the aura of wide-eyed innocence in which the country was by then, as always, seeking to cloak itself. “Why,” the magazine’s cover whined from every newsstand, “do they hate us so much?”

The question was and remains boggling in its temerity, so much so that after a lifetime of spelling out the reasons, one is tempted to respond with a certain weary cynicism, perhaps repeating Malcolm X’s penetrating observation about chickens coming home to roost and leaving it at that.<sup>3</sup> Still, mindful of the hideous human costs attending the propensity of Good Americans, like Good Germans, to dodge responsibility by anchoring professions of innocence in claims of near-total ignorance concerning the crimes of their corporate state, one feels obliged to try and deny them the option of such pretense. It is thus necessary that at least a few of those whose ravaged souls settled in upon the WTC and the Pentagon be named.

At the front of the queue were the wraiths of a half-million Iraqi children, all of them under twelve, all starved to death or forced to die for lack of basic sanitation and/or medical treatment during the past ten years.<sup>4</sup> These youngsters suffered and died because the United States first systematically bombed their country’s water purification, sewage treatment and pharmaceutical plants out of existence, then imposed a decade-long—and presently ongoing—embargo to ensure that Iraq would be unable to repair or replace most of what had been destroyed.<sup>5</sup> The point of this carefully calculated mass murder, as was explained at the outset by then-President George Herbert Walker Bush, father of the current Oval Office occupant, has been to impress upon the Iraqi government—and the rest of the world as well—that “what we say, goes.”<sup>6</sup>

In other words, though no less bluntly: “Do as you’re told or we’ll kill your babies.”

Much has been made, rightly enough, of how U.S. governmental agencies, corporate media and academic élites collude to provide only such information as is convenient to the status quo.<sup>7</sup> It is thus true that there is much of which the public is unaware. No such excuse can be

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advanced with respect to the fate of Iraq's children, however. Not only was the toll publicly predicted before U.S. sanctions were imposed, but two high United Nations officials, including Assistant Secretary General Denis Halliday, have resigned in protest of what Halliday described in widely-reported statements as "the policy of deliberate genocide" they reflected.<sup>8</sup> Asked by an interviewer on *60 Minutes* in 1996 whether the UN's estimate of child fatalities in Iraq was accurate, U.S. Ambassador to the United Nations *cum* Secretary of State Madeleine Albright confirmed it before a national television audience.<sup>9</sup>

"We've decided," Albright went on in a remark prominently displayed in the *New York Times* and most other major newspapers, "that it's worth the cost" in lives extracted from brown-skinned toddlers to "set an example" so terrifying in its implications that it would compel planetary obedience to America's dictates in the years ahead.<sup>10</sup> Such were the official terms defining the "New World Order" George Bush the elder had announced in 1991.<sup>11</sup>

One wonders how information about what was happening in Iraq could have been made much clearer or more readily accessible to the general public. Claims that average Americans "didn't know" what was being done in their name are thus rather less than credible. In reality, Americans by-and-large greeted Albright's haughty revelation of genocide with yawns and blank stares, returning their attention almost immediately to what they considered far weightier matters: the Dow Jones and American League batting averages, for instance, or pursuit of the perfect cappuccino. Braying like donkeys into their eternal cellphones, they went right on arranging their stock transfers and real estate deals and dinner dates, conducting business as usual, never exhibiting so much as a collective flicker of concern.

In effect, the U.S. citizenry as a whole was endowed with exactly the degree of ignorance it embraced. To put it another way, being ignorant is in this sense—that of willful and deliberate ignoration—not synonymous with being uninformed. It is instead to be informed and then *ignore* the information. There is a vast difference between not knowing and not caring, and, if Good Americans have difficulty appreciating the distinction, it must be borne in mind that there are others in the world who are quite unburdened by such intellectual impairments. They, beginning with those most directly targeted at any given moment for subjugation or eradication at the hands of American "peacekeepers," know above all else that professions of ignorance inherently preclude claims of innocence in such circumstances.

There was a time, oddly enough, when it could be said that the United States stood at the forefront of those endorsing the same principle. How else to explain its solemn invocation at the time of the Nuremberg Trials of a collective guilt inhering in the German populace itself?<sup>12</sup> One would do well to recall that the crimes attributed by Americans to Good Germans were that they'd celebrated a New Order of their own, looking away while the nazi crimes were committed, never attempting to meet the legal/moral obligation of holding their government to even the most rudimentary standards of human decency.<sup>13</sup> For these sins, it was said, they, the Germans, civilians as well as military personnel, richly deserved the death and devastation that had been rained upon them by America's "Mighty Eighth" Air Force and its British counterpart.<sup>14</sup> In sum, they'd "brought it on themselves."

### **Some People Push Back**

To be sure, I've "oversimplified," committed "reductionism" and "compared apples and oranges" in offering the preceding analogy. That was Germany, after all, while this is the United States. The situation here is of course much more "complex." America today, unlike Germany a half-century ago, is a "democratic," "multicultural" society. Its courts offer a prospect of "due process" in dispute resolution absent under the nazis.<sup>15</sup> Most importantly, unlike the situation in nazi Germany, there is a discernible opposition in the U.S., an active counterforce to the status quo through which progressive social, political and economic change can ultimately be accomplished without resort to the crudities of bullets and bombs, never mind the scale of atrocity witnessed on 9-1-1.<sup>16</sup>

These things duly remarked, it must also be said that the implications embodied in such counterforces must be tested by their effectuality rather than their mere existence. On this score, the practical distinction between formal and functional democracy has been remarked by numerous analysts over the years.<sup>17</sup> As to the merits of the U.S. judicial system, one might do well to begin any assessment by asking Leonard Peltier, Mumia Abu-Jamal, Geronimo ji Jaga (Pratt), Dhoruba Bin Wahad or any of the hundreds of other political activists who have been entombed on false charges or are now serving dramatically inequitable sentences in American prisons.<sup>18</sup> One might ask as well those sent to death row on racial grounds,<sup>19</sup> or who number among the two million predominately dark-skinned people—a proportion of the population larger than that of any country save Russia—consigned to the sprawling archipelago of forced labor camps forming the U.S. "prison-industrial" complex.<sup>20</sup>

Turning to America's vaunted "opposition," we find record of not a single significant demonstration protesting the wholesale destruction of Iraqi children. On balance, U.S. "progressives" have devoted far more time and energy over the past decade to combating the imaginary health effects of "environmental tobacco smoke"<sup>21</sup> and demanding installation of speedbumps in suburban neighborhoods<sup>22</sup>—that is, to increasing their *own* comfort level—than to anything akin to a coherent response to the U.S. genocide in Iraq. The underlying mentality is symbolized quite well in the fact that, since they were released in the mid-1990s, Jean Baudrillard's allegedly "radical" screed, *The Gulf War Did Not Take Place*, has outsold Ramsey Clark's *The Impact of Sanctions on Iraq*, prominently subtitled *The Children are Dying*, by a margin of almost three-to-one.<sup>23</sup>

The theoretical trajectory entered into by much of the American left over the past quarter-century exhibits a marked tendency to try and justify such evasion and squalid self-indulgence through the expedient of rejecting "hierarchy, in all its forms." Since "hierarchy" may be taken to include "[any]thing resembling an order of priorities," we are faced thereby with the absurd contention that all issues are of equal importance (as in the mindless slogan, "There is no hierarchy to oppression").<sup>24</sup> From there, it becomes axiomatic that the "privileging" of any issue over another—genocide, say, over fanny-pinching in the workplace—becomes not only evidence of "elitism," but of "sexism," and often "homophobia" to boot (as in the popular formulation holding that Third World anti-imperialism is inherently nationalistic, and nationalism is inherently damaging to the rights of women and gays).<sup>25</sup>

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Having thus foreclosed upon all options for concrete engagement as mere “reproductions of the relations of oppression,” the left has largely neutralized itself, a matter reflected most conspicuously in the applause it bestowed upon Homi K. Bhabha’s preposterous 1994 contention that writing, which he likens to “warfare,” should be considered the only valid revolutionary act.<sup>26</sup> One might easily conclude that had the “opposition” not conjured up such “postmodernist discourse” on its own initiative, it would have been necessary for the status quo to have invented it. As it is, postmodernist theorists and their postcolonialist counterparts are finding berths at elite universities at a truly astounding rate.<sup>27</sup>

To be fair, it must be admitted that there remain appreciable segments of the left which do not subscribe to the sophistries imbedded in postmodernism’s “failure of nerve.”<sup>28</sup> Those who continue to assert the value of direct action, however, have for the most part so thoroughly constrained themselves to the realm of symbolic/ritual protest as to render themselves self-nullifying. One is again hardpressed to decipher whether this has been by default or design. While such comportment is all but invariably couched in the lofty—or sanctimonious—terms of “principled pacifism,” the practice of proponents often suggests something far less noble.<sup>29</sup>

Nowhere was this more apparent than during the 1999 mass demonstrations against a meeting of the World Trade Organization (WTO) in Seattle.<sup>30</sup> There, notwithstanding much vociferous rhetoric denouncing the spiraling human and environmental costs attending the American-led drive to economic globalization, droves of “responsible” protesters served literally as surrogates for the police, forming themselves into cordons to protect major corporate facilities from suffering such retaliatory “violence” as broken windows.<sup>31</sup> Although this posture was ostensibly adopted because of a commitment to *nonviolence* on the part of the volunteer cops, adherence to such ideals was peculiarly absent when it came to their manhandling of Black Block anarchists bent upon inflicting minor property damage or otherwise disrupting business as usual in some material sense.<sup>32</sup> In truth, the only parties who appear to have been immunized against the physical impositions of the self-anointed “peacekeepers” were the police, WTO delegates, and other government/corporate officials.<sup>33</sup>

Tellingly, although the fact goes mostly unmentioned by the “peaceful protesters” involved, no less than President Bill Clinton went on television in the aftermath to complement that “great majority of the demonstrators” who, he said, did nothing at all to “interfere with the rights” of WTO delegates to coordinate an acceleration of the planetary rape and mass murder the demonstrations were supposedly intended to forestall.<sup>34</sup> Over the next several months, meetings and workshops were conducted among “dissidents” nationwide, most of them dedicated in whole or in part to devising ways of better containing and controlling Black Blockers at future demonstrations.<sup>35</sup> For its part, the government formed a special state-local-federal “counterterrorism task force” in Oregon, targeting anarchists in the cities of Eugene and Portland—each reputedly a locus of Black Block activity—for “neutralization.”<sup>36</sup>

A tidier and more convivial arrangement is hard to imagine. All that was missing was something resembling a realization by participants on either side of the equation that their waltz could be continued neither indefinitely nor with impunity. So intoxicated had they been rendered by their mutual indulgence in the narcotic of American exceptionalism,<sup>37</sup> that they’d lost all touch with laws as basic and natural as cause and effect. “Out there,” in the neocolonial hinterlands where the body count of the New World Order must mostly be tallied, no one

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really cares a whit that a sector of the beneficiary population has chosen to bear a sort of perpetual “moral witness” to the crimes committed against the Third World. What they *do* care about is whether such witnesses translate their professions of “outrage” into *whatever* kinds of actions may be necessary to actually put an end to the horror.<sup>38</sup>

When such action is not forthcoming from within the perpetrator society itself—when in fact those comprising that society’s purported opposition can be seen to have mostly *joined* in enforcing at a bedrock level the very order from whence mass murder systematically emanates—a different sort of rule must inevitably come to govern.<sup>39</sup> There is nothing mysterious in this. The proposition is so obvious, uncomplicated and fundamentally just that it has been often and straightforwardly articulated, usually to the accompaniment of cheers, before mass audiences in the United States. Recall as but one example the line delivered by the actor Lawrence Fishburn, portraying Prohibition-era Harlem gangster Bumpy Johnson in a 1984 movie, *The Cotton Club*: “When you push people around, *some* people [will eventually] push back.”<sup>40</sup>

As the makeup of the historical figure upon whom Fishburn’s celluloid character was based should have made equally clear, those finally forced into doing the (counter)pushing are unlikely to be “nice guys.” Indeed, whoever they might otherwise have been or become, the sheer and unrelenting brutality of the circumstances compelling their response is all but guaranteed to have twisted and deformed their outlooks in some truly hideous ways.<sup>41</sup> Be it noted, moreover, that there is an undeniable symmetry involved when their response is in-kind.<sup>42</sup> “What goes around comes around,” it has been said.<sup>43</sup> In the end, “Karma is unavoidable.”<sup>44</sup> So it was on September 11, 2001.

**Trails of Tears**

True, my depiction of the situation remains reductionist. This is so in many respects, perhaps, but no doubt most importantly because the ghosts of Iraq’s wasted children were by no means alone in their haunting. There were others present on 9-1-1, *many* others, beginning with the 800,000 Iraqi adults—the great majority of them either elderly or pregnant—known to have died along with their youngsters as a direct result of U.S. sanctions. This makes a total of 1.3 million dead among a population of fewer than twenty million in the decade since the Gulf War supposedly ended.<sup>45</sup> To these must be added another 150,000-or-so Iraqi civilians written off as “collateral damage” during the massive U.S. aerial bombardment defining the war itself.<sup>46</sup>

Then there were the soldiers, conscripts mostly, butchered in the scores of thousands as they fled northward along what became known as the “Highway of Death,” out of combat, in full compliance with U.S. demands that they evacuate Kuwait, effectively defenseless against the waves of aircraft thereupon hurled at them by cowards wearing American uniforms.<sup>47</sup> Also at hand were some 10,000 Iraqi guardsmen retreating along a causeway outside Basra, killed in another “turkey shoot” conducted by U.S. forces twenty-four hours *after* the “war-ending ceasefire” had taken effect.<sup>48</sup> Untold thousands of others were there as well, terrified teenagers, many of them wounded, refused quarter by advancing American troops who disparaged them as “sand niggers,” then buried them alive while they pleaded for mercy, using bulldozers specially prepared for the task.<sup>49</sup>



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Neither the litany nor the count ends with the suffering of Iraq, of course. Present on 9-1-1 were the many thousands of Palestinians shredded over the years by Israeli pilots flying planes purchased with U.S. funds and dropping cluster bombs manufactured in/provided by the USA.<sup>50</sup> There, too, were the “Intifadists,” rockthrowing—or simply fist-waving—Palestinian kids mowed down with numbing regularity by Israeli troops firing hyperlethal ammunition from American-supplied M-16 rifles.<sup>51</sup> Also in the throng were the hundreds massacred in refugee camps like Sabra and Shatila under authority of Israel’s one-time defense minister, now prime minister, and always fulltime U.S. accessory, Ariel Sharon.<sup>52</sup> Countries, no less than individuals, will—indeed, must—be judged not only by what they do but by the company they elect as a matter of policy to keep and support (ask the Taliban).

Compared to others with whom the United States has bonded since 1950, moreover, the appalling Mr. Sharon might well purport to saintliness. Consider the 300,000 Guatemalans exterminated after the CIA destroyed their democratically-elected government in 1954, installing in its stead a brutal military junta dedicated to making the country safe for the operations of U.S. corporations.<sup>53</sup> Consider, too, the million or more Indonesian victims of a CIA-sponsored 1965 coup in which the Sukarno government was overthrown in favor of a military régime headed by Suharto, a maneuver that led unerringly—and with uninterrupted American support—to the recent genocide in East Timor.<sup>54</sup> The ghosts of these victims were surely present, along with their Iraqi and Palestinian counterparts, on 9-1-1.

No less apparent are the reasons for the presence of the multitudes subjected to numerically lesser but nonetheless comparable carnage by an array of other U.S. client governments: persons tortured and murdered by Shah Mohammad Reza Pahlavi’s secret police, the SAVAK, after the CIA-engineered dissolution of Iran’s parliamentary system in 1954;<sup>55</sup> more thousands “disappeared” and summarily executed after the CIA-instigated 1973 overthrow of Chile’s Allende government and installation of a military junta headed by Augusto Pinochet;<sup>56</sup> thousands more murdered by agents of the ghastly “public safety” programs implemented with U.S. funding and supervision throughout South America during the 1960s;<sup>57</sup> still more who lost their lives to the U.S.-sponsored and -orchestrated “contra” war against Nicaragua’s Sandinista government during the mid-1980s.<sup>58</sup>

Although the list of such malignancies is still and rapidly lengthening, it is appropriate that we return to the roster of those whose fates were sealed by the U.S. in a far more direct and exclusive fashion. Of them, there is certainly no shortage. They include, quite conspicuously, three million Indochinese, perhaps more, exterminated in the course of America’s savage and sustained assaults on Vietnam, Laos and Cambodia during the 1960s and early-70s.<sup>59</sup> To those claimed by the war itself must be added the ongoing toll taken by America’s “stay behind” legacy of landmines, unexploded artillery rounds and cluster bomblets, as well as an environment soaked in carcinogenic-mutagenic defoliants.<sup>60</sup> Added, too, must be those lost to the U.S. default on its pledge to pay reparations of \$4 billion in exchange for being allowed to escape with “honor” from a war it started but could not win.<sup>61</sup> America has never been known for paying its bills, either literally or figuratively.

Present, too, on 9-1-1 were the uncounted thousands of noncombatants massacred by U.S. troops at places like No Gun Ri amidst the “police action” conducted in Korea during the early 1950s.<sup>62</sup> As well, there were the hundreds of thousands of Japanese civilians deliberately

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and systematically burned alive by the Army Air Corps during its massive fire raids on Tokyo and other cities conducted towards the end of World War II.<sup>63</sup> And, to be sure, these victims were accompanied the dead of Hiroshima and Nagasaki, indiscriminately vaporized by American nuclear bombs in 1945—or left the slow, excruciating deaths resulting from irradiation—not to any military purpose, but rather to the end that the U.S. might demonstrate the technological supremacy of its “kill-power” to anyone thinking of questioning its dominance of the postwar world.<sup>64</sup> For all its official chatter about the necessity of preventing weapons of mass destruction from “falling into the hands of rogue states and terrorists,” the United States remains the only country ever to use nuclear devices for that reason.<sup>65</sup>

Then there were the Filipinos, as many as a million of them, “extirpated” by American troops at the dawn of the twentieth century, as the U.S., having wrested their island homeland from the relatively benign clutches of the Spanish Empire, set about converting the Philippines into a colony of its own.<sup>66</sup> Nor was there an absence of “Indians,” people indigenous to America itself, whose unending agony was enunciated in the silent eloquence of several hundred Lakota babies, mothers and old men dumped into a mass grave—a crude trench, really—after they’d been annihilated by soldiers firing Hotchkiss guns at Wounded Knee in 1890.<sup>67</sup> Punctuating their statement were the victims of a hundred comparable slaughters stretching back in an unbroken line through Agent Orange Weaverville and Yrika to the Washita and Sand Creek, through the Bad Axe to Horseshoe Bend and beyond, all the way to General John Sullivan’s campaign against the Senecas in 1794, a grisly affair from which his men returned proudly attired in leggings crafted from the skins of their victims.<sup>68</sup>

Intermixed with those massacred wholesale were many thousands of native people slain piecemeal, hunted down as sport or for the bounties placed upon their scalps at one time or another by every state and territory in the Lower Forty-Eight.<sup>69</sup> Many more thousands could be counted among those who’d perished along the routes of the death marches—the Cherokee “Trail of Tears,” for instance, and the “Long Walk” of the Navajos—upon which they were forced at bayonet-point, “removed” from their land so that it might be repopulated by a self-anointed superior race busily importing itself from Europe.<sup>70</sup> Then there were the millions dead of disease, smallpox mostly, with which they’d been infected, often deliberately, as a means of causing them more literally to “vanish.”<sup>71</sup>

In the end, the grim column of stolen lives reached such length that it threatened to disappear into the distance. Towards its end, however, could still be glimpsed a scattering of Wappingers, a small people now mostly forgotten, eradicated by the Dutch in their founding of New Amsterdam, now New York, the victims’ severed heads used for a jolly game of kickball along a street near which the WTC would later stand.<sup>72</sup> As for the street upon which this gruesome event took place, it is now named in honor of a prominence by which it would long be flanked, the wall enclosing the city’s once-thriving slave market.<sup>73</sup> The lucrative trade in African flesh—that, and extraction of discount labor from such flesh—were, after all, ingredients nearly as vital to forming the U.S. economy as was the “clearing” and expropriation of native land.<sup>74</sup>

Thus, the millions lost to the Middle Passage took their places among their myriad Asian and Native American cousins.<sup>75</sup> They, and all who perished under slavers’ whips after being sold at auction in the “New World,” were worked or tortured to death on chain gangs after slavery was formally abolished,<sup>76</sup> or were among the thousands lynched during a century-long “festival

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of violence” undertaken by white Americans—there were some five-to-six million active members of the Ku Klux Klan in 1924—to ensure that ostensibly “free” blacks remained “in their place” of subjugation.<sup>77</sup> The atrocious record of apartheid South Africa always came in a feeble second to the malignancies of Jim Crow.<sup>78</sup>

Intermixed, too, were a great host of others: the thousands of Chinese coolies imported during the nineteenth century, none of them standing “a Chinaman’s chance” of surviving the brutal conditions into which they were impressed while laying track for America’s railroads and digging its deep shaft mines throughout the West;<sup>79</sup> the millions of children consigned in each generation to grinding poverty and truncated lifespans across America’s vast sprawl of ghettos, barrios, Indian reservations and migrant labor camps;<sup>80</sup> millions upon millions more assigned the same or worse in the neocolonies of the Third World, the depths of their misery dictated by an unremitting demand for superprofits with which to fuel America’s “economic miracle.”<sup>81</sup> Truly, there seems no end to it.

Why should “they” hate “us”? The very question is on its face absurd, delusional, revealing of an aggregate detachment from reality so virulent in its evasiveness as to be deemed clinically pathological. Setting aside the wholly-contrived “confusion” professed in the aftermath as to who might be properly included under the headings “we” and “they,” the sole legitimate query that might have been posed on 9-1-1 was—and remains—“How could ‘they’ possibly *not* hate ‘us?’” From there, honest interrogators might have gone on to frame two others: “Why did it take ‘them’ so long to arrive?” and “Why, under the circumstances, did they conduct themselves with such obvious and admirable restraint?”

**On Matters of Balance, Proportion and “Security”**

There can be no defensible suggestion that those who attacked the Pentagon and WTC on 9-1-1 were seeking to “get even” with the United States. Still less is there a basis for claims that they “started” something, or that U.S. has anything at all to get even with them for. Quite the contrary. For the attackers to have arguably “evened the score” for Iraq’s dead children alone, it would have been necessary for them to have killed *a hundred times* the number of Americans who actually died.<sup>82</sup> This in itself, however, would have allowed them to attain parity in terms of real numbers. The U.S. population is about fifteen times the size of Iraq’s. Hence, for the attackers to have achieved a proportionally equivalent impact, it would have been necessary that they kill some 7.5 *million* Americans.

Even this does not apprehend the reality at issue. For a genuine parity of proportional impact to obtain, it would have been necessary for the attackers to have killed 7.5 million American *children*. To inflict an overall parity of suffering for what has been done to Iraq since 1990—taking into account the million-odd dead Iraqi adults—they would have had to kill roughly 22.5 million Americans. The instrumentality by which such carnage would have been dispensed would presumably have been not just the three “300,000 pound cruise missiles” employed on September 11,<sup>83</sup> but also the other 49,997 airborne explosives necessary for the attackers to break even in terms of the number of bombs and missiles the U.S. expended on Iraq’s cities *after* their air defense systems had been completely “suppressed.”<sup>84</sup>

The targets, moreover, would not have been restricted to such obvious elements of what America’s general staff habitually refer to as “command and control infrastructure” as the

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Pentagon and the WTC. Rather, the attackers of 9-1-1 would have followed the well-established U.S. pattern of “surgically” obliterating sewage, water sanitation and electrical generation plants, food production/storage capacity, hospitals, pharmaceutical production facilities, communications centers and much more upon which Americans are no less dependent than Iraqis for survival.<sup>85</sup> The result, aside from mass death, would be a surviving population wracked by malnutrition and endemic disease (just as in Iraq today).

Framed in these terms, it is immediately obvious that, were the United States somehow forced to compensate proportionally and in lives for the damage it has so consistently wrought upon other peoples over the past two centuries, it would run out of people long before it ran out of compensatory obligation. Indeed, applying such standards of “pay back” vis-à-vis American Indians alone would require a lethal reduction in the U.S. population, using biological agents and comparable means, of between 96 and 99 percent.<sup>86</sup> Hence, no one other than the most extravagant of America’s many network propagandists has claimed that the attacks upon the Pentagon and WTC were carried out as part of an effort to extract anything remotely resembling a genuine equivalency in suffering.<sup>87</sup>

It follows that 9-1-1 was a mostly symbolic act, a desperate bid to command attention on the part of those so utterly dehumanized and devalued in the minds of average Americans that the very fact of their existence has never been deemed worthy of a moment’s contemplation. On the basis of the September 11 “wake up call”—and perhaps *only* on this basis—could they position themselves to “send a message” standing the least chance of being heard by the U.S. body politic. Whether it might be understood is an altogether different matter, given the media’s predictable, craven and across-the-board compliance with official demands that the attackers’ carefully-articulated explanations of their actions *not* be placed before the public.<sup>88</sup>

Still, at one level, the message delivered was uncensorably straightforward and simple, assuming the form of a blunt question: “How does it feel?” The query was and remains on its face one well worth posing. Not since its own Civil War ended in 1865, after all, has the United States been directly subject to a serious taste of what it so lavishly and routinely dishes out to others (no, Pearl Harbor doesn’t count; it is located in Polynesia, not North America).<sup>89</sup> Small wonder that, for most Americans, including even a decided majority of the troops who’ve served in “combat” since Vietnam, the grisly panoramas of war, mass murder and genocide have become sanitized to the point of sterility, imbued with no more concrete reality than any other “home entertainment” offering.<sup>90</sup>

How else to explain the popularity of increasingly technicalized military jargon like “kill ratios,” “force degradation” and “collateral damage” among the general public?<sup>91</sup> How else to understand the public’s willingness to accept the absurd proposition that a teenager safely ensconced at a computer console while launching missiles meant to slaughter unseen/unknown others at a thousand miles distance somehow or another qualifies as a “hero”?<sup>92</sup> Americans have in effect collectively lost their grip, and with it all sense of the charnal stench wafting from the policies, procedures and priorities they’ve consistently endorsed. The attacks of 9-1-1, while certainly designed to inflict the maximum material damage possible, given their very limited scope,<sup>93</sup> were even more clearly intended to force U.S. citizens into some semblance of reacquaintance with the kind of excruciation their

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country—and thus they themselves—have become far too accustomed to dispensing with impunity.

This brings a second level of the attackers' message into focus. If it could be anticipated that Americans would find it exceedingly painful to undergo a heavy bombing of even the most token sort—as surely they would—it could also be expected that they would begin casting about with considerable urgency for a way of ensuring that such “terrorism” would not be repeated. This, in turn, suggested that U.S. citizens might at last be receptive to embarking upon the only route to attainment of this worthy objective, a trajectory marked by Noam Chomsky's formulation, advanced shortly after the attacks, that “if you really want to put an end terrorism, you have to begin by no longer participating in it.”<sup>94</sup> Or, more sharply, “stop killing their babies,” as the matter was framed by Georgia State law professor Natsu Taylor Saito a short while later.<sup>95</sup>

At base, what the attackers communicated was the proposition that, from now on, if Americans wish their own children to be happy and safe, they going to have to allow the children of other peoples an equivalent safety and chance for happiness. In effect, Americans will have to accord a respect for the rights of others equal to that which they demand for themselves, valuing “Other” youngsters as much as they do their own.<sup>96</sup> Finally, and emphatically, the United States is going to have to abide by the rules of civilized behavior articulated in international law (its own citizens shouldering the responsibility of seeing to it that this is so).<sup>97</sup> The character of a society rejecting such eminently reasonable terms as being “unfair” should be to a large extent self-revealing.

Unfortunately, this is precisely what the preponderance of Americans have done. Refusing the prospect that the collectivity of their own attitudes and behavior made something like 9-1-1 inevitable, they have instead bleated their “innocence” for all to hear, meanwhile reacting like a figurative Jeffrey Dahmer, enraged because the latest of his many hapless victims has displayed the effrontery of slapping his face.<sup>98</sup> Witness, if you will, the frenzied demands accruing from every major media outlet that those suspected of involvement in the 9-1-1 attacks—or of supporting the attackers in some fashion—be subjected to “complete extermination.”<sup>99</sup> Witness as well the winks and chuckles with which commentators from “right” and “left” alike greeted photographic evidence that American surrogates in Afghanistan have been gleefully castrating and otherwise mutilating captured enemy soldiers before summarily executing them.<sup>100</sup>

Once again—this time in the name of a “crusade” to “rid the world of evil”<sup>101</sup>—Americans have enthusiastically embraced a policy devolving upon the systematic and potentially massive perpetration of war crimes and crimes against humanity. Here, a sublime irony presents itself: Since by no morally-coherent standard—moral assessment being necessary insofar as the term employed is exclusive to the vernacular of theology/morality<sup>102</sup>—can the policy at issue be construed as anything *but* “evil,” claims that it has been implemented for the above-stated purpose amount to little other than announcements of suicidal intent.<sup>103</sup> Still more ironic is the fact that the situation in many ways requires a more literal than metaphorical interpretation.

“Out there,” amidst the seething, bleeding psychic wastelands spawned by the unspeakable arrogance of U.S. imperial pretension, someone is quietly awaiting the definitive answers to

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questions of whether and to what extent Americans might respond constructively to the warnings posted on the WTC and Pentagon. A grim smile upon his face, her finger upon the trigger, s/he is almost certainly mouthing words to the effect of, “Go ahead, punk. Make my day.”<sup>104</sup> What will it be next time? A far larger and more destructive wave of suicide bombings? Dispersal of biological or chemical agents? Detonation of one or more portable nuclear devices? All of these?<sup>105</sup> The object, no doubt, will be to attain something much closer to bona fide payback for what the United States has done, and is doing even now.

The straw-like “option” at which the great majority of Americans are presently grasping in a transparent attempt to restore their sense of exemption from responsibility—the notion that a combination of military force, intelligence gathering and “tightened domestic security” can ultimately immunize them from the consequences of their country’s actions (or their own inactions)—is purely delusional.<sup>106</sup> Short of setting out to kill every man, woman and child in the Third World, little can be expected of the military in terms of preventing “terrorist” responses to its own crimes. Suggestions that the CIA can somehow alter the situation, rendering applications of military force “surgically” effective against “the terrorist infrastructure” are laughable, as should be evident from the abysmal failure of the agency’s Phoenix program, undertaken for precisely the same purpose in Vietnam.<sup>107</sup>

Claims that measures like those described in the recent “Homelands Security Act” will produce the desired prophylactic effect are the most vacuous of all.<sup>108</sup> The “internal security model” most often cited by “experts” for emulation by the United States is that of Israel, a country which, although it has converted itself into a veritable garrison state over the past thirty years, has been spectacularly *unable* to prevent determined attackers from striking almost at will.<sup>109</sup> All that can be expected of such “defense” initiatives is repression of what little actual political liberty had been left to residents of “the land of the free” by the dawn of the new millennium.<sup>110</sup>

### **The “Miracle of Immaculate Genocide”**

In the final analysis, it is quite reasonable that fulfillment of America’s now fervent quest for security be made contingent upon its willingness to commence a process of profound national introspection that, alone, will enable it to fundamentally rework its relationship(s) with those upon whom it has heretofore proven so cavalier in visiting the worst sorts of oppression. There is much militating against attainment of so positive a development, however, not least the fact that, in the United States, a pathology often associated with clinical disorder has mutated long since into what can best be described as a normative social condition.<sup>111</sup> “There are,” as Susan Griffin has observed, “whole disciplines, institutions, rubrics in [American] culture which serve as categories of denial.”<sup>112</sup>

The mentality involved is in some respects multifaceted and complex, but always self-serving and convenient, each facet serving mainly to augment or complete its ostensible antithesis, producing a whole remarkable for nothing so much as the virulence of its intractability.<sup>113</sup> Writing of the holocaust perpetrated by U.S. troops in the Philippines a century ago—an onslaught entailing orders that every male Filipino over the age of ten be slaughtered, and the resulting deaths of one in every six inhabitants on the island of Luzon<sup>114</sup>—historian Stuart Creighton Miller describes “the tendency of highly patriotic Americans...to [vociferously] deny such abuses and even to assert that they could never exist in their country.”<sup>115</sup> The pattern

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is unmistakably similar to that exhibited by severe alcoholics who, despite all evidence of the damage their behavior has caused, chronically insist that “the opposite of everything is true.”<sup>116</sup>

More subtle than the characteristic refusal of “conservatives” to allow mere facts to in any way alter their core presumptions was/is the complementary nature of the “alternative” interpretation(s) most often posed by their “progressive” opponents. Noting that the Philippines genocide was a matter of public knowledge by 1901,<sup>117</sup> Creighton Miller goes on to observe that collective “amnesia over the horrors of the war of conquest...set in early, during the summer of 1902.”<sup>118</sup> He then concludes by reflecting upon how “anti-imperialists aided the process by insisting that the conflict and its attendant atrocities had been the result of a conspiracy by a handful of leaders who carried out, through deceit and subterfuge, the policy and means of expansion overseas against the will of the majority of their countrymen.”<sup>119</sup>

By refusing to acknowledge that most Americans had been bitten by the same bug that afflicted Roosevelt, Lodge, and Beveridge, anti-imperialists were letting the people off the hook and in their own way preserving the American sense of innocence. Unfortunately, the man in the street shared the dreams of world-power status, martial glory, and future wealth that would follow expansion. When the dream soured, the American people neither reacted with very much indignation, nor did they seem to retreat to their cherished political principles. If anything, they seemed to take their cues from their leader in the White House by first putting out of mind all the sordid episodes in the conquest, and then forgetting the entire war itself.<sup>120</sup>

So it was then, the more so today. Contemporary conservatives, whenever they can be momentarily boxed into conceding one or another unsavory aspect of America’s historical record, are forever insisting that whatever they’ve admitted can be “properly” understood only when viewed as an “exception to the rule,” an “aberration,” “atypical” to the point of “anomalousness.”<sup>121</sup> None have shown a readiness to address the question of exactly how many such “anomalies” might be required before they can be said to comprise “the rule” itself. When pressed, conservatives invariably retreat into a level of diversionary polemic excusable at best on elementary school playgrounds, arguing that anything “we” have done is somehow excused by allegations that “they” have done things just as bad.<sup>122</sup>

Progressives, on the other hand, while acknowledging many of America’s more reprehensible features, have become far more refined in offering hook-free analyses than they were in 1902. No longer much preoccupied with such crudities as “conspiracy theory,”<sup>123</sup> they have become quite monolithic in attributing all things negative to handy abstractions like “capitalism,” “The State,” “structural oppression,” and, yes, “The Hierarchy.”<sup>124</sup> Hence, they have been able to conjure what might be termed the “miracle of immaculate genocide,” a form of genocide, that is, in which—apart from a few amorphous “decision-making élites”<sup>125</sup>—there are no actual perpetrators and no one who might “really” be deemed culpable by reason of complicity. The parallels between this “cutting edge” conception and the defense mounted by postwar Germans—including the nazis at Nuremberg—are as eerie as they are obvious.<sup>126</sup>

The implications of this were set forth in stark relief during the aftermath of 9-1-1, when it was first suggested that a decided majority of those killed in the WTC attack might be more accurately viewed as “little Eichmanns”—that is, as a cadre of faceless bureaucrats and

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technical experts who had willingly (and profitably) harnessed themselves to the task making America's genocidal world order hum with maximal efficiency—than as “innocents.”<sup>127</sup> The storm of outraged exception taken by self-proclaimed progressives to this simple observation has been instructive, to say the least. The objections have been mostly transparent in their diversionary intent, seeking as they have to focus attention exclusively on janitors, firemen and food service workers *rather than* the much larger number of corporate managers, stock brokers, bond traders, finance and systems analysts, etc., among those killed.<sup>128</sup>

A few have complained of the “cold-bloodedness” and “insensitivity” embodied, not in the vocations pursued by the latter group, but in describing their attitudes/conduct as having been in any way analogous to Eichmann's. Left unstated, however, is the more accurate term we should employ in characterizing a representative 30-year-old foreign exchange trader who, in full knowledge that every cent of his lavish commissions derived from the starving flesh of defenseless Others, literally wallowed in self-indulgent excess, playing the big shot, priding himself on being “a sharp dresser” and the fact that “money spilled from his pockets... flowed like crazy... [spent] on the black BMW and those clothes—forgetting to pack ski clothes for a Lake Tahoe trip, dropping \$1,000 on new stuff,” and so on.<sup>129</sup> As a “cool guy” with a “warm heart”? A “good family man”? Just an “ordinary,” “average” or “normal” fellow who “happened to strike it rich”?<sup>130</sup> How then are we to describe Eichmann himself?<sup>131</sup>

Clearly, either the devastating insights concerning “the banality of evil” offered by Hannah Arendt in her 1963 study, *Eichmann in Jerusalem*, have yet to penetrate the consciousness of many American progressives,<sup>132</sup> or American progressives are in the main every bit as mired in the depths of denial as the most hidebound of their conservative counterparts.<sup>133</sup> Irrespective of whether there is an appreciable segment of the U.S. population prepared to look the matter in the face, however, the same condition of willful blindness cannot be said to prevail throughout much of the rest of the world.<sup>134</sup>

Excusing one's self for one's crimes is never a legitimate prerogative, nor are attempts to hide or explain them away. This is all the more true while the crimes are being repeated. Neither justice, forgiveness nor exegesis can be self-administered or -bestowed. Of this, there should be no doubt in a country where the principle of “victims' rights” has lately been enshrined as an article of juridical faith.<sup>135</sup> Those who comprised the “chickens” of 9-1-1 will have their say, and it will ultimately be definitive. In this connection, the only real question confronting the U.S. polity is how in the future it will be necessary for them to say it. And that, rightly enough, will be entirely contingent upon the extent and decisiveness with which Americans prove capable of factoring such voices into the calculus of their personal and national self-concepts.

### **In the Alternative**

In 1945, addressing a strikingly similar context of national criminality and denial—albeit one in which the state and its collaborating corporate institutions had been pounded into physical submission by external forces—the philosopher Karl Jaspers set forth a schematic of culpability, acceptance of which he suggested might allow both Germans and Germany to redeem themselves.<sup>136</sup> Internalizing Jaspers' four-part formulation stands to yield comparable results in America, for Americans, and thus for everyone else as well. It is therefore well worth



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summarizing here (in a somewhat revised form reflecting enunciation of the Nuremberg Doctrine and other subsequent developments).<sup>137</sup>

- First, there is the matter of *criminal guilt*. States, corporations and other such entities, while they may be criminally-conceived, and employed for criminal purposes, do not themselves commit crimes. Crimes—that is, violations of customary or black letter law—are committed by individuals, those who conceive, employ or serve state and corporate institutions. Those alleged to have committed specific offenses are subject to personal prosecution and punishment.<sup>138</sup> If the transgressions of which they stand accused are of a sort sanctioned either explicitly or implicitly by the state under which authority they've acted, their prosecution cannot as a rule occur before tribunals controlled by that same state.<sup>139</sup> Nor, if mere vengeance is to be avoided, can such tribunals be placed as a rule under control of the immediate victims. Where crimes of state and/or state-sanctioned crime are at issue, the only appropriate judicial forum is an impartially-composed international court.<sup>140</sup>
- Second, there is the matter of *political guilt*. It is the collective responsibility of the citizens in a modern state to ensure by *all* means necessary that its government adheres to the rule of law, not just domestically but internationally.<sup>141</sup> There are no bystanders. No one is entitled to an “apolitical” exemption from such obligation.<sup>142</sup> Where default occurs, either by citizen endorsement of official criminality or by the failure of citizens to *effectively* oppose it, liability is incurred by all. Although degrees of onus may be assigned along a continuum traversing the distance from those who most actively embraced the crime to those who most actively opposed it, *none* are “innocent.”<sup>143</sup> The victims thus hold an unequivocal right to receive reparation, compensation and, where possible, complete restitution in ways and amounts deemed equitable and fair, not in the estimation of those liable, but in the judgment of an impartial international court.<sup>144</sup>
- Third, there is the matter of *moral guilt*. While it may prove impractical in settings where crimes of state are at issue to try all who have committed offenses (whether by way of perpetration, or by complicity), those who go unprosecuted are not thereby absolved.<sup>145</sup> To them belongs the public stigma associated with their deeds and consequent existential confrontation with themselves. In this, there can be no recourse to the supposed mitigation embodied in the apology that one has “merely done one’s job” or “just followed orders.”<sup>146</sup> Still less can exoneration be found in prevarications concerning “human nature”; if it were the “nature” of humans to engage in such acts, *everyone* would do so, and, self-evidently, not everyone does.<sup>147</sup> Each individual is thus personally responsible for his/her acts, “including the execution of political and military orders,” and thus socially/morally accountable for them.
- Finally, there is the matter of what Jaspers termed *metaphysical guilt*. This rests most heavily upon those who, while not guilty of any specific offense, averted their eyes, sitting by while crimes against humanity were committed in their name.<sup>148</sup> It encompasses as well all who, while we may have registered opposition in some form or degree, did less than we might have—failing thereby to risk our lives unconditionally—in our struggle to prevent or halt such crimes. Therein,

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incontestably, lies the guilt shared by all who opt to remain alive while Others are systematically subjugated, dispossessed, tortured and murdered.<sup>149</sup>

Those who would reject such criteria out-of-hand might do well to bear in mind that they join company thus with Carl Schmitt, a leading light among the nazi legal philosophers, who was among the first to pronounce them “beneath attention.”<sup>150</sup> Others, seeking to neutralize the implications by equivocation, insisting that while a Jasperian schema “makes sense for Germans,” the “good offsets the bad” where America and Americans are concerned, should be aware that this is precisely the argument offered by Germany’s “New Right”—neonazis, by any other name—with regard to the Third Reich itself.<sup>151</sup> If it can be agreed that the *Hitlerstaat* remains impervious to rehabilitation, regardless of its well-documented instigation of expressways and Volkswagens, the same holds true for the United States, irrespective of the supposed triumphs of “American civilization.”<sup>152</sup>

Such issues must be faced straightforwardly, without dissembling, if Americans are ever to hold rightful title to the “good conscience” they’ve so long laid claim to owning. How they are to respond to what stares back at them from the proverbial mirror is an altogether different question, however. Transformation from beastliness to beauty can be neither instantaneous nor, in terms of its retroactive undoing, complete.<sup>153</sup> There is no painless, privilege-preserving pill that can be taken to effect a quick fix of what ails the U.S., no petition, no manifesto, no song or candle-lit vigil that will suffice. The terms of change must and will be harsh, inevitably so, given the propensity of those who seek to prevent it to gauge their success by the rotting corpses of toddlers.<sup>154</sup> This truth, no matter its inconvenience to those snugly situated within the comfort zones of political pretense,<sup>155</sup> is all that defines the substance of meaningful struggle.<sup>156</sup>

It cannot happen all at once, but it must begin somewhere, and for this there is need of nothing so much as a focal point. That, and external assistance, given Americans’ abject inexperience in undertaking projects entailing the least hint of humility. Fortunately, an “action-agenda” combining both elements readily presents itself. Americans must demonstrate, conclusively and concretely, that they have at last attained a sufficient degree of self-awareness to subordinate themselves both individually and *as a country* to the rule of law.<sup>157</sup><sup>156</sup> Such an initiative, *only* such, and then only if it is pressed by every available means, is likely to reassure those who came on 9-1-1 that the seeds of Jaspers’ wisdom have at last taken root in the U.S. to an extent making future such attacks unnecessary.

All who fancy themselves progressive—in common with every conservative who has ever mouthed the lofty rhetoric of “law enforcement”—can start by inaugurating a concerted drive to compel their government to reverse its 1986 repudiation of the compulsory jurisdiction previously held over U.S. foreign policy by the International Court of Justice (ICJ).<sup>158</sup> Concomitantly, Americans can set about such action as is necessary to ensure that their country joins the rest of the world in placing itself under the jurisdiction of the newly-established International Criminal Court (ICC).<sup>159</sup> Massive international support and assistance is virtually guaranteed to accrue to any such U.S. citizen initiative.

Following a parallel track, although much of it falls within the domain of *jus cogens* (“customary law”) and are thus enforceable against the U.S. without its agreement,<sup>160</sup> an important gesture

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would be embodied in Americans taking such action as is necessary to compel their government to ratify those elements of international public and humanitarian law it has, often alone, heretofore refused to endorse. High on this lengthy list,<sup>161</sup> is the 1948 Convention on Prevention and Punishment of the Crime of Genocide, to which the U.S. presently claims a “sovereign right” to self-exemption from compliance.<sup>162</sup> Recent additions include the International Convention on the Rights of the Child (1989)<sup>163</sup> and the International Treaty Banning the Use, Production, Stockpiling and Transfer of Anti-Personnel Mines (1998).<sup>164</sup>

Most important of all—given the abysmal record of the U.S. when it comes to bringing even those *acknowledged* to have perpetrated war crimes and crimes against humanity before its domestic bar of justice,<sup>165</sup> given the fact that only the most token punishments have ever been visited upon those few who have for cosmetic reasons been domestically tried and convicted of such offenses,<sup>166</sup> and given the imperative of establishing that Americans are finally serious about adhering to the law—such action as is necessary must be taken to compel delivery of an initial selection of present/former U.S. officials for prosecution by the ICC.<sup>167</sup>

Here, although the list of imminently eligible candidates is all but overwhelming, a mere threesome might constitute an adequate preliminary sample. The first, on the basis of her earlier-noted statement concerning the fate of Iraq’s children and administration of attendant policies, should be former Secretary of State Albright. Second, for reasons explained quite well by Christopher Hitchens and others, should be former Secretary of State Henry Kissinger.<sup>168</sup> The third should be current North Carolina Senator Jesse Helms, the bellicosity of whose threats to visit “dire consequences” upon the world community “in the event a single American is ever indicted” for violating the laws of war and/or international humanitarian law exemplifies the manner in which the U.S. has for decades thwarted implementation of procedures for the peaceful resolution of international disputes (this in itself offers *prima facie* evidence of Helms’ complicity in the more direct crimes perpetrated by his codefendants).<sup>169</sup>

Prosecution of these three major U.S. criminals before the ICC would pave the way for a series of such trials, targeting as in the Nuremberg proceedings representative defendants drawn from each of the interactive “classes” of American offenders—governmental, military, corporate, scientific and so on—comprising the élite decisionmaking stratum of America’s New World Order.<sup>170</sup> Collaterally, the criminal trials would in themselves lay a superb evidentiary groundwork for consideration of international tort claims by the ICJ, in many cases the sole procedure through which issues concerning indemnification of America’s proliferate victims are likely ever to be satisfactorily addressed.<sup>171</sup> It may also be anticipated that, under these conditions, the principles realized in international fora will be absorbed by the U.S. judiciary, as they were in postwar Germany, to an extent sufficient for bona fide prosecutions of America’s war criminals and other such terrorists to at last commence in domestic courts.<sup>172</sup>

Against this backdrop, otherwise preposterous assertions that recourse to “the World Court is the way to proceed” in halting America’s persistently murderous aggression take on a certain coherence. The question begged in such formulations, as they stand, and as they’ve stood all along, concerns enforcement. A court is not a police force. Less, is it an army. Neither its jurisdiction nor its judgments are self-executing. Its decrees are vacuous without a means of exacting compliance.<sup>173</sup> Should it turn out that Americans were prodded by the pain inflicted on 9-1-1 to finally begin shouldering the responsibility of forcing their government to obey

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the law—with *all* that this implies—it may be said that a world historic corner was turned on that date. Should this not prove to be the case, however, others, especially those Others most egregiously victimized by American lawlessness, will have no real alternative but to try and do the job themselves. And, in the collectivity of their civic default, Americans, no more than the Good Germans of 1945, can have little legitimate complaint as to how they may have to go about it.<sup>174</sup>

### To See Things Clearly

If the prescription sketched out in the preceding section offers the prospect of improving the level of security enjoyed by all Americans—mainly by drastically reducing the need for it—it contains a range of other benefits as well. Salient among them is what, with respect to Germany, Harvard political scientist Daniel Jonah Goldhagen has described as an “internationalization of the ‘national’ history.”<sup>175</sup> By this, he meant a process through which the country’s apprehension of its past has been subjected to such intensive and sustained scrutiny/contributions by others that the “collective, narcissistic self-exaltation” typically marking such narratives has been preempted. This, Goldhagen concludes, has enabled contemporary Germans to attain a far more accurate—and thus healthier—conception of themselves than they were likely ever to have achieved on their own.<sup>176</sup>

It is exactly this kind of aggregate self-understanding that Jaspers posited as being essential to a process through which the varieties of guilt he’d so carefully delineated could be transformed into their antithesis, creating what he hoped might constitute an insurmountable psychointellectual barrier against any wholesale resurgence of the mentality from which Germany’s communality of guilt had emerged.<sup>177</sup> There is no reason to assume that the idea holds less utility for Americans today than it did for Germans then, or that the rewards for the world of America’s figurative denazification would be any less substantial than those manifest in the more literal German process.

A wealth of information necessary to redefining the character of the “American experiment” can be expected to take center stage in the above-described judicial proceedings, whether international or domestic, criminal or civil. Much of it will prove to have been available all along, publicly displayed but usually distorted beyond recognition, its meaning neatly buried in the texts, rendered alternately in terms of triumphalism or apology, that from the first have comprised America’s historical canon and its popular counterpart(s).<sup>178</sup> Reinterpreted through the lens of law, detailed at trial by those charged with assessing the culpability of individual defendants and/or the degree of responsibility inhering in the polity that empowered them, even that which was “known” will stand exposed in the glare of an entirely different light.

Such developments represent a good start, but by no means an end point or culmination. Even the most honest and penetrating of prosecutorial presentations is by nature erratic and uneven, skewed by the parameters of its purpose to focus in fragmentary fashion upon certain usually topical matters, emphasizing, deemphasizing or ignoring issues of wider historical concern without regard to historiographical requirements.<sup>179</sup> The record made during the course of any trial, and the conclusions formally drawn from it, must therefore be compared to/combined with those obtaining in related proceedings to create a composite. This overarching iteration of what has been “discovered” through adjudication must then be broken down again in

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various ways, sifted and refined, its implications adduced and contextualized (that is, reinterpreted by way of their connection with/dissimilarity from “broader”—i.e., historically deeper and more diverse—processes or sequences of events).<sup>180</sup>

Plainly, it will be forever premature to proclaim the consummation of such a project before the most thoroughgoing reconstruction of American history, and thus a complete resignification of the codes of meaning and value residing within it, has been achieved. With this in mind, the problem confronting those who would accept it is how best to approach so monumental a travail. A method is needed by which to deal with the surfeit of data at hand, arranging it in ways which lend coherence to its otherwise nebulous mass, tracing not just its outer contours but the inner trajectories that gave them shape, coaxing it to divulge truths too long denied.

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#### Notes

\* “The Ghosts of 9-1-1” is the more fully-developed version of my 2001 op-ed, “Some People Push Back,” which attained such an astonishing degree of notoriety three-and-a-half years after the fact. By then, of course, the present essay had long since been published as the lead piece in my *On the Justice of Roosting Chickens: The Costs and Consequences of U.S. Imperial Arrogance and Criminality* (Oakland, CA: AK Press, 2003), in which capacity it undoubtedly figured rather prominently in *Chickens* receiving an honorable mention for the 2003 Gustavus Myers Award for Best Book on the Topic of Human Rights. To be sure, the latter reality went conspicuously unmentioned in the media offensive mounted during the spring of 2005 by the right’s talking heads, from Bill O’Reilly and Anne Coulter to Michelle Malkin and Sean Hannity, together with liberal collaborators like Marc Cooper and self-proclaimed anarchists of the Bob Black variety. Indeed, there was no mention of “Ghosts” very existence in such circles, despite the fact that *Chickens* enjoyed a brief stint as Amazon’s best-selling nonfiction paperback.

<sup>1</sup> The full report, which was published in the AAUP’s *Journal of Academic Freedom* in 2012, is presently available at <http://www.cu-aaup.org/wp-content/uploads/2013/05/Churchill-Report.pdf>.

<sup>2</sup> All told, citizens of 86 different countries are reported to have numbered among the dead; U.S. Attorney General John Ashcroft, press briefing carried on CNBC, November 29, 2001.

<sup>3</sup> Malcolm X with Alex Haley, *The Autobiography of Malcolm X* (New York: Ballantine, 1973) pp. 300-1.

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- <sup>4</sup> See Ramsey Clark, *The Impact of Sanctions on Iraq: The Children are Dying* (Washington, D.C.: Maiseonneuve Press, 1996).
- <sup>5</sup> Ramsey Clark, *War Crimes: A Report on U.S. War Crimes Against Iraq* (Washington, D.C.: Maiseonneuve Press, 1992) pp. 22, 35, 53-4. Also see Jack Calhoun, "UN: Iraq Bombed Back to Stone Age," *Manchester Guardian*, Apr. 3, 1991; Patrick E. Tyler, "Disease Spirals in Iraq as Embargo Takes Its Toll," *New York Times*, June 24, 1991; Barston Gellman, "Storm Damage in the Gulf: U.S. Strategy went beyond strictly military targets," *Washington Post Weekly*, July 8-14, 1991.
- <sup>6</sup> Quoted by Noam Chomsky in his essay, "What We Say Goes": The Middle East in the New World Order," in Cynthia Peters, ed., *Collateral Damage: The New World Order at Home and Abroad* (Boston: South End Press, 1992) p. 52.
- <sup>7</sup> Among the more noteworthy of such efforts is Edward S. Herman's and Noam Chomsky's *Manufacturing Consent: The Political Economy of the Mass Media* (New York: Pantheon, 1988). Also see Chomsky's *Necessary Illusions: Thought Control in Democratic Societies* (Boston: South End Press, 1989); Herman's *The Myth of the Liberal Media: An Edward Herman Reader* (New York: Peter Lang, 1999).
- <sup>8</sup> Halliday's actions, statements, and the data upon which they were based form the core of Ramsey Clark and Others, *Challenge to Genocide: Let Iraq Live* (Washington, D.C.: International Action Center, 1998); see esp. pp. 79, 127, 191.
- <sup>9</sup> The interview aired on May 12, 1996.
- <sup>10</sup> Quoted in William Blum, *Rogue State: A Guide to the World's Only Superpower* (Monroe, ME: Common Courage Press, 2000) pp. 5-6.
- <sup>11</sup> See Holly Sklar, "Brave New World Order," in Peters, *Collateral Damage*, pp. 3-46.
- <sup>12</sup> Eugene Davidson, *The Trial of the Germans, 1945-1946* (New York: Macmillan, 1966).
- <sup>13</sup> For a good overview of the arguments, see Karl Jaspers, *The Question of German Guilt* (New York: Fordham University Press, 2001).
- <sup>14</sup> See the chapter entitled "The Triumph of the Bombers" in H. Bruce Franklin's *War Stars: The Superweapon and the American Imagination* (New York: Oxford University Press, 1988) pp. 101-11.
- <sup>15</sup> For purposes of comparison, see Michael Stolleis, *Law Under the Swastika: Studies on Legal History in Nazi Germany* (Chicago: University of Chicago Press, 1998).
- <sup>16</sup> For theory, see David Dellinger, *Revolutionary Nonviolence* (Indianapolis: Bobbs-Merrill, 1971); Gene Sharp, *The Dynamics of Nonviolent Action*, 3 vols. (Boston: Porter Sargent, 1973); Barbara Epstein, *Political Protest and Cultural Revolution: Nonviolent Direct Action in the 1970s and 1980s* (Berkeley: University of California Press, 1991).
- <sup>17</sup> This is covered rather well in the chapter titled "The Home Front" in Chomsky's *Deterring Democracy* (New York: Hill and Wang, 1992) pp. 69-88. Also see the chapter titled "Power in the Domestic Arena," in his *Rogue States: The Rule of Force in World Affairs* (Cambridge, MA: South End Press, 2000) pp. 188-97.
- <sup>18</sup> Former Black Panther Bin Wahad served nineteen years in a New York maximum security prison after being falsely convicted of attempted murder in 1971. See Dhoruba bin Wahad, "War Within," in Jim Fletcher, Tanaquil Jones, and Sylvère Lotringer, eds., *Still Black, Still Strong: Survivors of the U.S. War Against Black Revolutionaries* (New York: Semiotext(e), 1993) pp. 9-56. Ji Jaga, another former Panther leader, served twenty-seven years in California before his false conviction was overturned. See Jack Olsen, *Last Man Standing: The Tragedy and Triumph of Geronimo Pratt* (Garden City, NY: Doubleday, 2000). American Indian Movement member Peltier continues to served a double-life sentence in federal prison despite official admissions that the evidence used to convict him was false. See Peter Matthiessen, *In the Spirit of Crazy Horse: The Story of Leonard Peltier* (New York: Viking Press, [2nd ed.] 1991). Former Panther Abu-Jamal is on death row in Pennsylvania, although his trial was an utter travesty. See Daniel R. Williams, *Executing Justice: An Inside Account of the Case of Mumia Abu-Jamal* (New York: St. Martin's Press, 2001). Overall, see my and J.J. Vander Wall's *Cages of Steel: The Politics of Imprisonment in the United States* (Washington, D.C.: Maiseonneuve Press, 1992). Update: Since this was written, Mumia Abu Jamal's death sentence was commuted to life imprisonment.
- <sup>19</sup> See the section entitled "Race and the Death Penalty," in Amnesty International, *The United States of America: Rights for All* (New York: Amnesty International, 1998) pp. 108-12.

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- <sup>20</sup> For comparative incarceration rates, see Marc Mauer, *The Race to Incarcerate* (New York: Free Press, 1999) pp. 21-2. On corporatization, see Daniel Burton-Rose, Dan Pens and Paul Wright, eds., *The Ceiling of America: An Inside Look at the American Prison Industry* (Monroe, ME: Common Courage Press, 1998); Joel Dyer, *The Perpetual Prisoner Machine: How America Profits from Crime* (Boulder, CO: Westview Press, 2000).
- <sup>21</sup> At the point American yuppies launched their drive to abolish smoking in public places—a social norm mainly among poor people/communities of color—it was estimated that “passive smoking” resulted in the deaths of as many as 3,000 people per year. The number could have as easily been set at three or three million since there was at the time no scientific confirmation of *any* negative effects attending exposure to “environmental” tobacco smoke. See the chapter entitled “Smoke Exposure and Health,” in Roy J. Shephard, *The Risks of Passive Smoking* (New York: Oxford University Press, 1982) pp. 95-108. After twenty years of intensive and well-funded research—attended by increasingly stringent bans on ashtrays—the situation remains essentially the same. See Peter N. Lee’s “Difficulties in Determining Health Effects Related to Environmental Tobacco Smoke,” in Ronald A. Watson’s and Mark Seldon’s coedited and currently definitive *Environmental Tobacco Smoke* (Washington, D.C.: CRS Press, 2001) pp. 1-24.
- <sup>22</sup> Stephen Bunting and Veronika Thiebach, *Take Back the Streets: How to Protect Communities from Asphalt and Traffic* (Boston: Conservation Law Foundation, [3rd ed.] 1998).
- <sup>23</sup> Clark, *Sanctions*; Jean Baudrillard, *The Gulf War Did Not Take Place* (Bloomington: Indiana University Press, 1995).
- <sup>24</sup> Terry Eagleton, *The Illusions of Postmodernism* (Oxford, UK: Blackwell, 1996) esp. pp. 93-5.
- <sup>25</sup> The eurofeminist equation of nationalism to “masculinist dominance” commenced at least as early as Barbara Burris’ “The Fourth World Manifesto,” in Anne Koedt, ed., *Radical Feminism* ([Chicago: Quadrangle, 1973] pp. 322-57), and has seen continued refinement in essays such as those collected by Miranda Davis in her *Third World/Second Sex: Women’s Struggles and National Liberation* (London: Zed Books, 1983); those collected by Roberta Hamilton and Michèle Barrett in their *The Politics of Diversity: Feminism, Marxism and Nationalism* (London: Verso, 1987); and, most recently, attempts to discredit the work of Third World anticolonial theorists like Frantz Fanon spearheaded by mainstreamers such as Diana Fuss (see, e.g., her “Interior Colonies: Frantz Fanon and the Politics of Identification,” in Nigel C. Gibson, ed., *Rethinking Fanon: The Continuing Dialogue* [Amherst, NY: Humanity Books, 1999] pp. 294-328).
- <sup>26</sup> Homi K. Bhabha, “Interrogating identity: Frantz Fanon and the postcolonial prerogative” in his *The Location of Culture* (New York: Routledge, 1994) pp. 40-65. Also see Bart Moore-Gilbert, *Postcolonial Theory: Contexts, Practices, Politics* (London: Verso, 1997) pp. 138-9.
- <sup>27</sup> Bhabha himself—who has yet to produce a booklength manuscript—was, as reported in the *New York Times* on November 11, 2001, recently hired as a reigning “star” by the literature department at Harvard.
- <sup>28</sup> Eagleton, *Illusions of Postmodernism*, p. 19. For a different and even sharper framing, see John Zerzan’s “The Catastrophe of Postmodernism,” *Anarchy*, No. 30 (Fall 1991) pp. 16-35; reprinted in his *Future Primitive and Other Essays* (Brooklyn, NY: Autonomedia/Anarchy, 1994) pp. 101-34.
- <sup>29</sup> For a reasonably substantial critique, see my and Mike Ryan’s *Pacifism as Pathology: Reflections on the Role of Armed Struggle in North America* (Winnipeg: Arbeiter Ring, 1998).
- <sup>30</sup> The WTO was prefigured by the Trilateral Commission during the 1970s; see Holly Sklar, ed., *Trilateralism: The Trilateral Commission and Elite Planning for World Government* (Boston: South End Press, 1980). On its evolution during the 1990s, see Bernard Hoekman and Michael Kostecki, *The Political Economy of the World Trading System: From GATT to WTO* (New York: Oxford University Press, 2001).
- <sup>31</sup> See generally, Janet Thomas, *The Battle for Seattle: The Story Behind and Beyond the WTO Demonstration* (Golden, CO: Fulcrum, 2001); Alexander Cockburn, Jeffrey St. Clair and Allen Sekula, *Five Days That Shook the World: The Battle for Seattle and Beyond* (London: Verso, 2001).
- <sup>32</sup> The inconsistency is not especially unusual. See my and Ryan’s *Pacifism as Pathology*, p. 124n135.
- <sup>33</sup> This, too, is by no mean unusual. Churchill and Ryan, *Pacifism as Pathology*, pp. 21-2.
- <sup>34</sup> The statement was made in remarks carried by the major television networks on the evening of December 1, 1997, and quoted in *USA Today* the following morning.

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- <sup>35</sup> Some of this is mentioned in concluding chapters of Thomas, *Battle for Seattle*, and Cockburn, St. Clair and Sekula, *Five Days That Shook the World*; also see the essays collected in George Katsiaficas and Eddie Yuen in their coedited volume, *The Battle for Seattle: Debating Capitalist Globalization and the WTO* (Winnipeg: Soft Skull Press, 2001). It's worth noting that, while "dissidents" were spending their time trying to figure out ways of preventing a repeat of the Black Block's actions, establishmentarian news organs were acknowledging that "the protesters' message was heard...because of...the violence [*sic*, emphasis added]." See "The Siege of Seattle," *Newsweek* (Dec. 13, 1999) p. 62.
- <sup>36</sup> Rob Thaxton, an individual associated with Eugene's Anarchist Action Collective (AAO), shortly received a seven-year prison sentence for throwing a rock during a street demonstration. By June 2001, two others, Craig Marshall ("Crittter") and Jeffrey Luers ("Free"), had been sentenced to five and twenty-two years respectively, ostensibly for setting fire to several SUVs at a local car dealership; see "Free Sentenced to 22 years," *Green Anarchy*, No. 6 (Summer 2001). The draconian penalties, especially that meted out to Luers, are plainly at odds with the relatively trivial nature of the offenses of which the three were convicted. They are, however, quite consistent with the sorts of pretextual sentencing guidelines suggested in the Antiterrorism and Effective Death Penalty Act of 1996 (10 Stat. 1214). Although it has never targeted humans—as opposed to property—the Earth Liberation Front (ELF), with which the AAC is allegedly overlapped, has been officially designated a "terrorist organization." See "Ecoterrorism in the United States," *ERRI Intelligence Report*, Vol. 6, No. 262 (Sept. 18, 2000). This renders those involved either directly or indirectly open to extraordinary—that is, extraconstitutional—measures of repression. See Kenneth J. Dudonis, David P. Schulz and Frank Bolz, Jr., *The Counterterrorism Handbook: Tactics, Procedures, and Techniques* (Washington, D.C.: CRC Press, [2nd ed.] 2001). On the origins of the kind of "Joint Terrorist Task Force" now operating in Oregon, see my and Jim Vander Wall's *The COINTELPRO Papers: Documents from the FBI's Secret Wars on Dissent in the United States* (Boston: South End Press, 1990) pp. 309-11.
- <sup>37</sup> This goes to the notion that America is not only unique but entitled to play by a set of rules completely different from those applying to the rest of the world. See, e.g., Deborah L. Madsen, *American Exceptionalism* (Oxford: University of Mississippi Press, 1998) pp. 1-14.
- <sup>38</sup> This is by no means a novel concept. See, as examples, Malcolm X, *By Any Means Necessary* (New York: Pathfinder Press, 1992); Peter Stansill and David Zain Mairowitz, eds., *BAMN [by any means necessary]: Outlaw Manifestos and Ephemera, 1965-1970* (Brooklyn, NY: Autonomedia, 1999).
- <sup>39</sup> It is a testament to the extent to which Third Worlders are discounted in the minds of U.S. policymakers that the latter for the most part don't bother to observe the cardinal rule of domination holding that to prevent popular revolt it is necessary to present an illusion that relief is possible by other means. See generally, Michael Sawad, *Co-Optive Politics and State Legitimacy* (Hanover, NH: Dartmouth, 1991).
- <sup>40</sup> Interestingly, while the literature detailing activities of white—primarily Italian, Jewish and Irish—gangsters of the 1920s and '30s is vast, as of 2003 there was virtually nothing in print regarding blacks like Johnson, who not infrequently fought their more celebrated counterparts to a standstill. [Since this was written, the situation has been to some extent addressed with publication of Ron Chepesiuk's *Gangsters of Harlem: The Gritty Underworld of New York's Most Famous Neighborhood* (Fort Lee, NJ: Barricade Books, 2007)—on Johnson, see pp. 89-104—as well as Mayme Johnson's and Karen E. Quinones Miller's *Harlem Godfather: The Rap on my Husband, Ellsworth "Bumpy" Johnson* (Philadelphia: Olson, 2008) and a few other books.]
- <sup>41</sup> There has been a veritable avalanche of denunciations since 9-1-1—by leftists as much as establishmentarians—of the Islamic fundamentalists in the al-Qaida organization, which allegedly carried out the attacks on the WTO and Pentagon, as well as Afghanistan's Taliban government, which supported al-Qaida, as "islamofascists" and "theo-nazis." While there is undoubtedly much truth to such depictions of extreme fundamentalism—Christian and Judaic, no less than Islamic—the question is how, given the manner in which the West has and continues to impose itself upon Islam, anyone might have expected things to have turned out otherwise. For the psychology at issue, see Frantz Fanon's *The Wretched of the Earth* (New York: Grove Press, 1966) esp. pp. 249-310. On the Taliban and al-Qaida, see Ahmed Rashid, *Taliban* (New Haven, CT: Yale University Press, 2001); Yonah Alexander and Michael S. Swetman, *Usama bin Laden's al-Qaida: Profile of a Terrorist Network* (Ardley, NY: Transnational, 2001).
- <sup>42</sup> For theory, see Fanon, *Wretched of the Earth*, pp. 35-106. Also see B. Marie Perinbam, *Holy Violence: The Revolutionary Thought of Frantz Fanon* (Washington, D.C.: Three Continents Press, 1982).



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- <sup>43</sup> Yes, I'm quoting Charlie Manson, who, unmistakably, exemplifies the sort of systemically-induced psychointellectual deformity at issue. See generally, Ed Sanders, *The Family: The Story of Charles Manson's Dune Buggy Attack Battalion* (New York: E.P. Dutton, 1971).
- <sup>44</sup> See generally, Rajenda Prasad, *Karma, Causation and Retributive Morality: Conceptual Essays in Ethics and Metaethics* (Calcutta: South Asia Books, 1990).
- <sup>45</sup> Actually, since the figures used here accrue from 1998, the toll stands to have ultimately been considerably higher. In any case, see Allan Connolly, M.D., "The Effect of Sanctions: A Medical Examination," in Clark and Others, *Challenge to Genocide*, p. 106.
- <sup>46</sup> For the estimate, see Ramsey Clark, "Fire and Ice: The Devastation of Iraq by War and Sanctions," in Clark and Others, *Challenging Genocide*, p. 20. For use and contextualization of the term, see Peters, *Collateral Damage*. The manner in which Iraq's cities were attacked clearly violated the 1923 Hague Rules of Aerial Warfare (Article 22) and the 1949 Geneva Convention IV Relative to the Protection of Civilian Persons in Times of War (Article 3).
- <sup>47</sup> William A. Arkin, Damian Durant and Marianne Cherni, *On Impact: Modern Warfare and the Environment—A Case Study of the Gulf War* (Washington, D.C.: Greenpeace, 1991) pp. 105-15. Also see Clark, *War Crimes*, pp. 50-1, 90-3. Killing soldiers who are clearly out of combat is a war crime under terms of the Geneva Convention Common Article III. The attacks were carried out under a "no quarter" directive issued by George Bush a few days earlier. See Edward Cody, "U.S. Briefers Concede No Quarter," *Washington Post* (Feb. 14, 1991). This also violates Article 23 (d) of the 1907 Hague Convention.
- <sup>48</sup> Clark, *War Crimes*, p. 30; citing Patrick J. Sloyan, "Pullback a Bloody Mismatch: Route of Iraqis became Savage 'Turkey Shoot,'" *New York Newsday*, Mar. 31, 1991; "Massive Battle After Ceasefire," *New York Newsday* (May 8, 1991). Also see Clark, "Fire and Ice," pp. 18-9. Launching an assault on opposing troops after a ceasefire has taken effect is a war crime under both the Hague and Geneva Conventions.
- <sup>49</sup> Clark, *War Crimes*, p. 35; citing Patrick J. Sloyan, "U.S. Officers Say Iraqis Were Buried Alive," *San Francisco Chronicle* (Sept. 12, 1991). Also see Clark, "Fire and Ice," p. 19. On use of the term "sand niggers," see Sklar, "Brave New World Order," p. 8. As observed in note 46, refusal of quarter to opposing troops—especially the wounded—is a war crime.
- <sup>50</sup> The best overview, in my estimation, is provided by Noam Chomsky, in his *The Fateful Triangle: The United States, Israel and the Palestinians* (Cambridge, MA: South End Press, [classics ed.] 1999).
- <sup>51</sup> Such things are exceedingly well-documented. See, as examples, Don Peretz, *Intifada: The Palestinian Uprising* (Boulder, CO: Westview Press, 1990); Middle East Watch Staff, *The Israeli Army and the Intifada: Policies that Contribute to the Killings* (New York: Middle East Watch, 1994); Roan Carey, ed., *The New Intifada: Resisting Israel's Apartheid* (London: Verso, 2001).
- <sup>52</sup> On the 1982 massacres at Sabra and Shatila, see Naseer Aruri, *Palestinian Refugees: The Right of Return* (London: Pluto, 2001) pp. 3, 127, 159. It is worth noting that Sharon "defended himself against charges of...complicity in the massacres by citing a similar Israeli role in [such earlier massacres as that at] Tal al-Za'tar" refugee camp in 1976; Rashid Khalidi, *Palestinian Identity: The Construction of Modern National Consciousness* (New York: Columbia University Press, 1997) p. 264.
- <sup>53</sup> On "Operation Success," as the CIA's Guatemalan intervention was codenamed, see John Prados, *Presidents' Secret Wars: CIA and Pentagon Covert Operations Since World War II* (New York: William Morrow, 1986) pp. 98-106. For insight into the consequences for grassroots Guatemalans, see Stephen Schlesinger and Stephen Kinzer, *Bitter Fruit: The Untold Story of the American Coup in Guatemala* (Garden City, NY: Doubleday, 1982); Ricardo Falla, *Massacres in the Jungle: Ixcán, Guatemala, 1975-1982* (Boulder, CO: Westview Press, 1994).
- <sup>54</sup> On the coup, see Noam Chomsky and Edward S. Herman, *The Political Economy of Human Rights, Vol. 1: The Washington Connection and Third World Fascism* (Boston: South End Press, 1979) pp. 205-9. On East Timor; John G. Taylor, *Indonesia's Forgotten War: The Hidden History of East Timor* (London: Pluto Press, 1991).
- <sup>55</sup> Prados, *Secret Wars*, pp. 91-8.
- <sup>56</sup> Armando Uribe, *The Black Book of American Intervention in Chile* (Boston: Beacon Press, 1975). For details of what happened after the coup, see Mary Helen Spooner, *Soldiers in a Narrow Land: The Pinochet Regime in Chile*

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- (Berkeley: University of California Press, [2nd ed.] 1999); Hugh O’Shaughnessy, *Pinochet: The Politics of Torture* (New York: New York University Press, 2000).
- <sup>57</sup> A.J. Languath, *Hidden Terrors: The Truth About U.S. Police Operations in Latin America* (New York: Pantheon, 1978); Martha K. Huggins, *Political Policing: The United States and Latin America* (Durham, NC: Duke University Press, 1998).
- <sup>58</sup> Reed Brody, *Contra Terror in Nicaragua: Report of a Fact-Finding Mission, September 1984-January 1985* (Boston: South End Press, 1985); Holly Sklar, *Washington’s War on Nicaragua* (Boston: South End Press, 1988).
- <sup>59</sup> On the number killed, see H. Bruce Franklin, *Vietnam and Other American Fantasies* (Amherst: University of Massachusetts Press, 2000) p. 111. On the manner in which they were killed, see John Duffett, ed., *Against the Crime of Silence: Proceedings of the International War Crimes Tribunal, Stockholm-Copenhagen* (New York: Simon and Schuster, 1968); Vietnam Veterans Against the War, *The Winter Soldier Investigation: An Inquiry into U.S. War Crimes in Vietnam* (Boston: Beacon Press, 1972); Citizen’s Commission of Inquiry, *The Dellums Committee Hearings on War Crimes in Vietnam* (New York: Vintage Books, 1972).
- <sup>60</sup> According to Israeli journalist Amnon Kapeoliouk, about a quarter-million Vietnamese children, all born during the war or after, have died of cancers or “hideous birth defects: resulting from the effects of American chemical warfare”; quoted in Noam Chomsky, “Rogue States,” in his and Edward Said’s *Acts of Aggression: Policing “Rogue” States* (New York: Seven Stories Press, 1999) pp. 41-2. For extensive—and stunning—visual confirmation of the birth defects, see Philip Jones Griffith, *Agent Orange: “Collateral Damage” in Viet Nam* (London: Trolley Ltd., 2003). For further background, see Barry Weisberg, *Ecocide in Indochina: The Ecology of War* (San Francisco: Canfield Press, 1970); John Lewallen, *Ecology of Devastation: Indochina* (New York: Penguin, 1971); Rajev Chandrasekaran, “War’s Toxic Legacy Lingers in Vietnam,” *Washington Post* (Apr. 18, 2000). On land mines, and the ongoing U.S. refusal to accept their prohibition under international law, see Blum, *Rogue State*, p. 101.
- <sup>61</sup> Franklin, *Vietnam and Other Fantasies*, p. 161.
- <sup>62</sup> On the massacre mentioned, see Charles J. Hanley, Sang-Hun Choe and Martha Mendoza, *The Bridge at No Gun Ri: A Hidden Nightmare from the Korean War* (New York: Henry Holt, 2001). More broadly, see I.F. Stone, *The Hidden History of the Korean War, 1950-51* (Boston: Little, Brown, [2nd ed.] 1988).
- <sup>63</sup> Against Germany, with the exception of its participation in the infamous 1945 incendiary attack on Dresden, the U.S. restricted itself to daylight “precision” bombing raids using high explosives. There, the stated objective was to avoid unnecessary civilian deaths. Against Japan, on the other hand—about which U.S. officials openly announced that they favored “the extermination of the Japanese people in toto”—the preferred method was nighttime saturation bombing by masses of aircraft dropping incendiaries to create “firestorms” in which vast numbers of noncombatants were deliberately cremated. In the great Tokyo fire raid on the night of March 9-10, 1945, to give but one example, more than 267,000 buildings were destroyed, a million people rendered homeless, and upwards of 100,000 burned alive. Under such conditions, more Japanese civilians were killed in only six months than among all branches of the Japanese military during the entirety of World War II. See H. Bruce Franklin, *Star Wars: The Superweapon and the American Imagination* (New York: Oxford University Press, 1988) pp. 107-11. The public statement by U.S. War Manpower Commissioner Paul V. McNutt is quoted by John W. Dower, *War Without Mercy: Race and Power in the Pacific* (New York: Pantheon, 1986) p. 55.
- <sup>64</sup> Ronald Takaki, *Hiroshima: Why America Dropped the Atomic Bomb* (Boston: Little, Brown, 1995); Gar Alperovitz, *The Decision to Drop the Bomb* (New York: Alfred A. Knopf, 1995).
- <sup>65</sup> The same can be perhaps be said with respect to biological warfare, which the United States attempted in Korea. See International Association of Democratic Lawyers, *U.S. Crimes in Korea*, 31 March 1952; annexed to a letter from the permanent member of the USSR to the president of the UN Security Council dated 30 June 1952 (UN Doc. S/2684/ADD.1/30 June 1952) Chapter 2: Bacteriological Warfare, pp. 28.7-28.9 (available at [http://www.uwpep.org/Index/Resources\\_files/Crime\\_Reports\\_1.pdf](http://www.uwpep.org/Index/Resources_files/Crime_Reports_1.pdf)). Also see Stephen Endicott and Edward Hagerman, *The United States and Biological Warfare: Secrets from the Early Cold War and Korea* (Bloomington: Indiana University Press, 1998). There is also a much longer history of its being selectively conducted against American Indians (see note 70), and the threat of its being employed by U.S. diplomats in their negotiations with native peoples. See, e.g., Elizabeth A. Fenn, *Pox Americana: The Great Smallpox Epidemic of 1775-82* (New York: Hill and Wang, 2001) esp. pp. 257-8.

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- <sup>66</sup> Stuart Creighton Miller, *"Benevolent Assimilation": The American Conquest of the Philippines, 1899-1903* (New Haven, CT: Yale University Press, 1982).
- <sup>67</sup> For a very accurate—and sickening—description of what was done at Wounded Knee, see Ralph K. Andrist, *The Long Death: The Last Days of the Plains Indians* (New York: Collier, 1964) pp. 351-2.
- <sup>68</sup> All of these are covered in the essay entitled "'Nits Make Lice': The Extermination of American Indians, 1607-1996," in my *A Little Matter of Genocide: Holocaust and Denial in the Americas, 1492 to the Present* (San Francisco: City Lights, 1997) pp. 129-288.
- <sup>69</sup> On the origin and history of scalp bounties, see my "Nits Make Lice," pp. 178-88. On the hunting of Indians as sport, see David E. Stannard, *American Holocaust: The Conquest of the New World* (New York: Oxford University Press, 1992) p. 116.
- <sup>70</sup> On the Trail of Tears and related atrocities, see Grant Foreman, *Indian Removal* (Norman: University of Oklahoma Press, [2nd ed.] 1952); Russell Thornton, "Cherokee Population Losses During the Trail of Tears: A New Perspective and a New Estimate," *Ethnohistory*, Vol. 31, No. 4 (1984) pp. 289-300. On the Navajo experience, see Clifford E. Trafzer, *The Kit Carson Campaign: The Last Great Navajo War* (Norman: University of Oklahoma Press, 1982) pp. 169-97. Regarding the explicitly racist attitudes underlying these policies, see Reginald Horsman, *Race and Manifest Destiny: The Origins of Racial Anglo-Saxonism* (Cambridge, MA: Harvard University Press, 1981).
- <sup>71</sup> Suspected instances of smallpox epidemics being deliberately unleashed among the native peoples of North America begin with Capt. John Smith's 1614 foray into Massachusetts in behalf of the Plymouth Company. Confirmed—that is to say, documentable—cases include Lord Jeffrey Amherst's order that infested blankets and other such items be distributed among the Ottawas in 1763, the U.S. Army's duplication of Amherst's maneuver at Fort Clark in 1837, and several repetitions by "private parties" in northern California during the 1850s (other examples accrue from British Columbia and the Northwest Territories in Canada during the later nineteenth century). See my "Nits Make Lice," pp. 151-7, 169-70; Peter McNair, Alan Hoover and Kevin Neary, *The Legacy: Tradition and Innovation in Northwest Coast Indian Art* (Seattle: University of Washington Press, 1984) p. 24. It should be noted that even some rather staunch apologists for the status quo have lately begun to admit that "the history of the western hemisphere has a few examples of whites deliberately releasing the [smallpox] virus among Indians." See R.G. Robertson, *Rotting Face: Smallpox and the American Indian* (Caldwell, ID: Caxton, 2001) p. 301.
- <sup>72</sup> Alan Axelrod, *Chronicle of the Indian Wars from Colonial Times to Wounded Knee* (Engelwood Cliffs, NJ: Prentice-Hall, 1993) p. 39.
- <sup>73</sup> Howard Zinn, *The Politics of History* (Boston: Beacon Press, 1970) p. 67.
- <sup>74</sup> "Largely overlooked, neglected, or brushed off as a youthful indiscretion by our people is the enormous fact of slavery for over two centuries of our history," notes one progressive euroamerican analyst, "and its role as a central determinant of our economic development until at least the mid-nineteenth century." See Douglas Dowd, *U.S. Capitalist Development Since 1776: Of, By, and For Which People?* (Armonk, NY: M.E. Sharpe, 1993) p. 77. That truism uttered, he makes passing reference to slavery on exactly four other occasions in his 542-page text (American Indians are not mentioned at all, even in a section titled "Land policy"; pp. 274-5). For useful information, see Jim Marketti, "Black Equity in the Slave Industry," *Review of Black Political Economy*, Vol. 2, No. 2 (1972) 43-66; Boris Bittker, *The Case for Black Reparations* (New York: Random House, 1973); Richard America, *Paying the Social Debt* (New York: Praeger, 1993).
- <sup>75</sup> Estimates of the aggregate mortality rate among blacks during the Middle Passage alone run as high as forty percent, with the number of deaths from all causes associated with the transatlantic slave trade reaching as many as sixty million. See Philip D. Curtin, *Slave Trade: A Census* (Madison: University of Wisconsin Press, 1964) pp. 268 (Table 77), 275-82; Walter Rodney, *How Capitalism Underdeveloped Africa* (Washington, D.C.: Howard University Press, [rev. ed.] 1981) pp. 95-8; Joseph E. Inikori, "Measuring the Atlantic Slave Trade: An Assessment of Curtin and Anstey," *Journal of African History*, Vol. 17, No. 2 (1976) pp. 197-223; Paul E. Lovejoy, "The Volume of the Atlantic Slave Trade: A Synthesis," *Journal of African History*, Vol. 23, No. 4 (1982) pp. 473-501; Joseph C. Miller, "Mortality in the Atlantic Slave Trade: Statistical Evidence on Causality," *Journal of Interdisciplinary History*, Vol. 11, No. 3 (Winter 1981) pp. 385-423, esp. pp. 413-4.

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- <sup>76</sup> For particularly useful studies, see Matthew J. Mancini, *One Dies, Get Another: Convict Leasing in the American South, 1866-1928* (Columbia: University of South Carolina Press, 1996); David M. Oshinsky, *“Worse Than Slavery”: Parchman Farm and the Ordeal of Jim Crow Justice* (New York: Free Press, 1996); Alex Lichtenstein, *Twice the Work of Free Labor: The Political Economy of Convict Labor in the New South* (London: Verso, 1996).
- <sup>77</sup> See Stewart Emory Tolnay, *A Festival of Violence: An Analysis of the Lynching of African Americans in the American South, 1882-1930* (Urbana: University of Illinois Press, 1995); Ralph Ginzberg, *100 Years of Lynchings* (Baltimore: Black Classics Press, 1997). On Klan membership, see Samuel Elliot Morrison and Henry Steele Commager, *The Growth of the American Republic*, 2 vols. (New York: Oxford University Press, [4<sup>th</sup> ed.] 1950) Vol. II, p. 556; Jonathan Daniels, *The Time Between the Wars* (Garden City, NY: Doubleday, 1966) p. 108; William Peirce Randel, *The Ku Klux Klan: A History of Infamy* (Philadelphia: Chilton Books, 1964) p. 220
- <sup>78</sup> Much of what was worst about South African apartheid was based upon preexisting U.S. models. See George M. Frederickson, *White Supremacy: A Comparative Study of American and South African History* (New York: Oxford University Press, 1981). On the U.S. system itself, see Jerrold M. Packard, *American Nightmare: The History of Jim Crow* (New York: St. Martin’s Press, 2002).
- <sup>79</sup> See Ronald Takaki, *Strangers from a Different Shore: A History of Asian Americans* (Boston: Little, Brown, 1989) pp. 80-7, 130, 240; Suchen Chan, *Asian Americans: An Interpretive History* (New York: Twayne, 1991) pp. 28-32.
- <sup>80</sup> See, as examples, Andrew Hacker, *Two Nations: Black and White, Separate, Hostile, and Unequal* (New York: Ballantine, [rev. ed.] 1995); Rodolfo Acuña, *Occupied America: A History of the Chicanos* (New York: Longman, [4<sup>th</sup> ed., rev.] 2000) esp. pp. 350-5, 400-10.
- <sup>81</sup> For a range of analyses, all supporting this conclusion, see Arturo Escobar, *Encountering Development: The Making and Unmaking of the Third World* (Princeton, NJ: Princeton University Press, 1995); Richard Falk, *Predatory Globalization: A Critique* (Cambridge, UK: Polity Press, 1999); Ash Narain Roy, *The Third World in the Age of Globalization: Requiem or New Agenda?* (Delhi/London: Madyam Books/Zed Books, 1999); David D. Newsom, *The Imperial Mantle: The United States, Decolonization and the Third World* (Bloomington: Indiana University Press, 2001) esp. pp. 123-202; James Petras and Henry Veltmeyer, *Globalization Unmasked: Imperialism in the 21<sup>st</sup> Century* (Halifax/London: Fernwood/Zed Books, 2001); Michel Chossudovsky, *The Globalization of Poverty and the New World Order* (Montréal: Global Research, [2<sup>nd</sup> ed.] 2003).
- <sup>82</sup> The actual number seems to be a matter of no small controversy. During the attacks, media sources speculated that there might be upwards of 17,000 dead killed at the World Trade Center alone. In the immediate aftermath, the official estimate stood at 4,500. A week later, it was ratcheted up to 5,000—the most commonly cited figure—ultimately cresting at nearly 6,000 before starting a sharp drop. By December 11, the tally, as reported on Fox News, stood at 3,040 (this should be contrasted to Sen. Orin Hatch’s assertion the same evening on *Larry King Live* [CNN] that “7,000 innocent Americans” had been killed on 9-1-1). As of January 10, 2002, the number of dead at the WTC reported by both Fox and CNN, including nearly 400 “foreigners,” had fallen to 2,883. Adding in the seldom-mentioned toll at the Pentagon, and the more than two hundred aboard the four hijacked airliners, this would leave something less than 3,000 American fatalities. [As of 2014, according to Wikipedia, the tally is 2,606 dead at the WTC, 125 at the Pentagon, and 246—including the nineteen hijackers—aboard the airliners, for a total of 2,977. Of these, 373 were foreign nationals—392, counting the hijackers—leaving a total of 2,585 American dead. Given the volume of “patriotic” rhetoric devoted to decrying the deaths of food service workers, custodial and maintenance personnel, and the like, it seems instructive that Wiki’s detailed statistical profile of those killed includes *nothing* about their occupations.]
- <sup>83</sup> This description of the airliners hijacked for the attack was offered by Secretary of Defense Donald Rumsfeld in a televised press briefing conducted on September 13, 2001.
- <sup>84</sup> The estimate is official. See Clark, *War Crimes*, pp. 17-8, 85. Bombardment of “undefended population centers”—which is what Iraq’s cities were, once their “Triple A” (antiaircraft artillery) was suppressed—has been formally defined as a war crime since the Hague Convention of 1907 (under Article 25). Also see note 45.
- <sup>85</sup> For early reports on this pattern, see Jack Calhoun, “UN: Iraq Bombed Back to Stone Age,” *Manchester Guardian* (Apr. 3, 1991); Barton Gellman, “Storm Damage in the Persian Gulf: U.S. strategy against Iraq went beyond strictly military targets,” *Washington Post Weekly* (July 8-14, 1991) p. 24. More comprehensively, see Clark, *War Crimes*, 22, 35, 53-8. It’s worth noting that a strategy deliberately targeting *anything* other than “strictly military targets” constitutes a major war crime. See note 45.

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- <sup>86</sup> The preinvasion indigenous population north of Mesoamerica has been credibly estimated as being perhaps eighteen million, the great bulk of it in what is now the Lower 48 States portion of the continent. By the time the 1890 U.S. census was taken, there were barely more than 237,000 survivors within the latter area. See Henry F. Dobyns, *Their Number Become Thinned: Native American population Dynamics in Eastern North America* (Knoxville: University of Tennessee Press, 1983) pp. 42, 343; U.S. Bureau of the Census, *Fifteenth Census of the United States, 1930: The Indian Population of the United States and Alaska* (Washington, D.C.: U.S. Government Printing Office, 1937) esp. "Table II: Indian Population by States and Divisions, 1890-1930," p. 3.
- <sup>87</sup> A hue and cry was raised in the days following 9-1-1, by Fox News commentators and others, about Usama bin Laden's alleged instruction that his followers should "kill Americans wherever they may be found." While this was cast by the pundits as a desire to "exterminate" the U.S. citizenry as a whole, bin Laden's underlying intent was subsequently explained by more careful analysts—including even U.S. Secretary of State Colin Powell—as being to make things so decisively uncomfortable for Americans that they would eventually demand a general withdrawal of the U.S. presence from Islamic countries. Problematic as the scheme may be in itself, it is very far cry from a call for genocide.
- <sup>88</sup> Segments of a videotaped statement in which Usama bin Laden explicitly linked 9-1-1 to the ongoing genocide in Iraq and the situation of the Palestinians was aired briefly, about a week after the attacks. Such broadcasts were abruptly halted when the government announced "national security" concerns, i.e., the contention that bin Laden might be using the tapes to send "coded instructions" to his followers in North America. On this ludicrous pretext, the idea that the motives underlying 9-1-1 warrant even a pretense of objective scrutiny have been abandoned in favor of official platitudes, delivered by-and-large in soundbite form, concerning the nature of "evil." It is quite possible that Americans would have rejected bin Laden's explanation, had they been allowed a chance to consider it. As things stand, we'll never really know, since the U.S. polity—uniquely, among its counterparts around the world—has been denied the possibility of hearing what he has to say. So much for "democratic decision-making" by an "informed citizenry." The principle/process at issue is explored very well in Chomsky's *Necessary Illusions*.
- <sup>89</sup> As noted Hawaiian rights activist Haunani-Kay Trask has observed, "Japan did not attack U.S. 'home territory' on December 7, 1941. It attacked the military forces of a foreign power engaged in the illegal occupation of my homeland. Hawaiians are *not* 'Native Americans,' we are Polynesians. Our country, Hawai'i, is *not* American, it is Polynesian. Hawai'i is *not* 'part of the United States,' it is a colony of the United States. These things were true in 1941, and they are just as true today. Anyone saying otherwise is either ignorant or a liar." Lecture at the University of Colorado/Boulder, March 14, 1993 (tape on file).
- <sup>90</sup> This is intended more literally than not. See, e.g., "Reagan Says Video Games Provide the Right Stuff," *Wall Street Journal* (Mar. 9, 1983).
- <sup>91</sup> George Cheney, "Talking War: Symbols, Strategies and Images," *New Studies on the Left*, Vol. XIV, No. 3 (1991); Douglas Kellner, *The Persian Gulf TV War* (Boulder, CO: Westview Press, 1992) pp. 8-16.
- <sup>92</sup> Lynda Boose, "Techno-Muscularity and the 'Boy Eternal': From the Quagmire to the Gulf," in Amy Kaplan and Donald E. Pease, eds., *Cultures of United States Imperialism* (Durham, NC: Duke University Press, 1993) pp. 581-616; Dana L. Cloud, "Operation Desert Comfort," in Susan Jeffords and Susan Rabinovitz, eds., *Seeing Through the Media: The Persian Gulf War* (New Brunswick, NJ: Rutgers University Press, 1994) pp. 155-70.
- <sup>93</sup> The fact is that in less than two hours, nineteen men equipped with nothing more sophisticated than box cutters leveled a key command and control hub of globalization, eliminated around 2,000 of its technical personnel, put a \$100-billion hole in the global economy, and knocked down a chunk of the Pentagon in the bargain. See generally, Tom Templeton and Tom Lumley, *The Observer* (Aug. 17, 2002; available at <http://www.theguardian.com/world/2002/aug/18/usa/terrorism>). In purely military terms—as defined by U.S. strategic doctrine since at least as early as 1942—the attacks were wildly successful. See George E. Hopkins, "Bombing and the American Conscience During World War II," *The Historian*, Vol. 28, No. 3 (May 1966) pp. 451-73. Also see Ronald Schaffer, *Wings of Judgment: American Bombing in World War II* (New York: Oxford University Press, 1965); Michael Sherry, *The Rise of American Air Power: The Creation of Armageddon* (New Haven, CT: Yale University Press, 1987).
- <sup>94</sup> *Znet Commentaries*, Sept. 17, 2001.
- <sup>95</sup> Interview on NPR's *Powerpoint*, broadcast on Atlanta radio station WCLK, Nov. 4, 2001.

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- <sup>96</sup> For explication of the term used, see Tzvetan Todorov, *The Conquest of America: The Question of the Other* (New York: Harper & Row, 1984). Also see Homi K. Bhabha, “The other question: Stereotype, discrimination and colonial discourse,” in his *The Location of Culture* (New York: Routledge, 1990) pp. 66-84; Roger Bartra, *Wild Men in the Looking Glass: The Mythic Origins of European Otherness* (Ann Arbor: University of Michigan Press, 1994).
- <sup>97</sup> This principle was set forth by the U.S.-instigated tribunal at Nuremberg in 1945. See Quincy Wright, “The Law of the Nuremberg Trials,” *American Journal of International Law*, Vol. 41, No. 1 (Jan. 1947) pp. 38-72; Bradley F. Smith, *The Road to Nuremberg* (New York: Basic Books, 1981).
- <sup>98</sup> For those unfamiliar with the case, see Anne E. Schwartz, *The Man who Could Not Kill Enough: The Secret Murders of Milwaukee’s Jeffrey Dahmer* (New York: Carol, 1992).
- <sup>99</sup> It has been widely asserted, for example, that members of al-Qaida should be gunned down on the spot, even if attempting to surrender. Those making such statements are guilty of advocating criminal acts of the sort discussed in note 46. They may thus be technically subject to prosecution for war crimes in their own right. Whether or not this is so, they are certainly guilty of advocating—and thereby supporting—terrorism.
- <sup>100</sup> The photo spread appeared on p. B-1 of the *New York Times* on November 15, 2001. The response mentioned occurred on CNN’s *Crossfire* the following evening. See Wayne Veysey, “I saw the killing of a Taliban Soldier,” *Scottish Daily Record* (Nov. 16, 2001).
- <sup>101</sup> Televised statements of U.S. president George W. Bush, September 12-15, 2001. All mention of a “crusade” was quickly dropped, when it became evident that the word served more than anything to validate in the eyes of Islam as a whole a 1997 al-Qaida manifesto announcing the organization had undertaken jihad against “Crusaders.” See Rashid, *Taliban*, p. 134.
- <sup>102</sup> Given that the pentagon is a preeminent symbol of evil among satanists, the attackers of 9-1-1 could make a far better—or at least more literal—case for attempting to rid the world of it than can the U.S. See Genevieve Morgan and Tom Morgan, *The Devil: A Visual Guide to the Demonic, Evil, Scurrilous, and Bad* (San Francisco: Chronicle Books, 1996) p. 148. More broadly, see Paul Ricouer, *Symbolism of Evil* (Boston: Beacon Press, 1969).
- <sup>103</sup> Edwin S. Schneidman, *Definitions of Suicide* (New York: John Wiley, 1985).
- <sup>104</sup> For younger readers, it should be noted that the lines quoted—wildly popular among rightwingers everywhere—were delivered by actor Clint Eastwood during his portrayal of a homicidal San Francisco police detective in the movie, *Dirty Harry* (1972).
- <sup>105</sup> On these potentials, see Jonathan B. Tucker, ed., *Toxic Terror: Assessing Terrorist Use of Chemical and Biological Weapons* (Cambridge, MA: MIT Press, 2000).
- <sup>106</sup> According to a poll reported on CNBC on December 7, 2001, 86 percent of Americans favored this recipe. On implications, see, e.g., Pamela J. Taylor, Philippa Garety, Alec Buchanan, Alison Reed, Simon Wessely, Katarzyna Ray, Graham Dunn and Don Grubin, “Delusions and Violence,” in John Monahan and Henry J. Stedman, eds., *Violence and Mental Disorder: Developments and Risk Assessment* (Chicago: University of Chicago Press, 1994) esp. the section entitled “The Nature of Delusions,” pp. 161-3.
- <sup>107</sup> Some 40,000 Vietnamese were murdered and another 30,000 imprisoned by Phoenix program operatives between 1968 and 1971, with no discernable impact on the “Viet Cong infrastructure.” This was in large part because the program, which functioned on the basis of “hearsay [and] malicious gossip... fueled by feuds and political maneuvers,” usually eliminated the wrong people; Prados, *Secret Wars*, pp. 309-11. Also see Douglas Valentine, *The Phoenix Program* (New York: William Morrow, 1990).
- <sup>108</sup> Office of Homeland Security Act of 2001 (H.R. 3026, Oct. 4, 2001). Also see the Antiterrorism and Effective Death Penalty Act of 1996 (110 Stat. 1214).
- <sup>109</sup> Witness, for example, the wave of suicide bombings that has swept Israel since the beginning of 2001. While there had been only 25 such attacks over the entire eleven-year period since the first was carried out in July 1989, the numbers surged to 40 in 2001 and 47 the following year, falling off to 23 in 2003. Plainly, despite the best efforts of Israel’s highly-developed security apparatus, the attackers held the initiative throughout the campaign. It’s worth noting that my contemporaneous impressions have been subsequently borne out in what may be the most comprehensive study of the relevant phenomena publicly available. See Pia Therese Jansen,

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*The consequences of Israel's counter terrorism policy* (PhD thesis, University of St. Andrews; available at <http://hdl.handle.net/10023/439>).

- <sup>110</sup> See generally, James X. Dempsey and David Cole, *Terrorism and the Constitution: Sacrificing Civil Liberties in the Name of National Security* (Los Angeles: First Amendment Foundation, 1999).
- <sup>111</sup> For an analogous contextualization, see Wilhelm Reich, *The Mass Psychology of Fascism* (New York: Farrar, Straus and Giroux, 1970); Peter Fritzsche, *Germans into Nazis* (Cambridge, MA: Harvard University Press, 1998).
- <sup>112</sup> Susan Griffin, *A Chorus of Stones: The Private Life of War* (New York: Anchor, 1993) p. 19. Also see E.L. Edelstein, Donald L. Nathanson and Andrew Stone, eds., *Denial: A Clarification of Concepts and Research* (New York: Plenum, 1989); Stanley Cohen, *States of Denial: Knowing About Atrocities and Suffering* (Cambridge, UK: Polity Press, 2001).
- <sup>113</sup> In simplest terms, the condition has much in common with Sadistic Personality Disorder, that is, a “pervasive pattern of cruel, demeaning and aggressive behavior” disguised behind a sophisticated matrix of rationalization and denial. Diagnostic criteria include “(a) the use of physical cruelty or violence in establishing dominance in a relationship (e.g., not merely for the purpose of theft); (b) a fascination with violence, weapons, martial arts, injury, or torture (c) treating or disciplining others unusually harshly; (d) taking pleasure in the psychological or physical suffering of others (including animals); and (e) getting others to do what he or she wants through terror or intimidation”; Thomas A. Widiger and Timothy J. Trull, “Personality Disorders and Violence,” in John Monahan and Henry J. Steadman, eds., *Violence and Mental Disorder: Developments in Risk Assessment* (Chicago: University of Chicago Press, 1994) pp. 213-5.
- <sup>114</sup> The widely-reported “one-in-six” estimate of fatalities on Luzon—a total 616,000 people—was offered by Brig. Gen. J. Franklin Bell during a 1902 appearance before Congress. See U.S. Senate, Committee on the Philippine Islands, *Hearings Before the Senate Committee on the Philippine Islands* (Washington, D.C.: 57th Cong., 1st Sess., 1902). Bell was openly referred to, both by his troops and in the press, as “The Butcher of Batangas.” See U.S. Department of War, *Letter from the Secretary of War Relative to the Reports and Charges in the Public Press of Cruelty and Oppression Exercised by Our Soldiers Towards Natives of the Philippines* (Washington, D.C.: 57th Cong, 1st Sess., 1902). It should be noted that, these facts being known, Bell received a Presidential Commendation for his “service” in the islands, and was later promoted Army Chief of Staff. See Creighton Miller, “Benevolent Assimilation”, pp. 237, 260.
- <sup>115</sup> Creighton Miller, “Benevolent Assimilation”, pp. 1-2.
- <sup>116</sup> William H. Chrisman, *The Opposite of Everything is True: Reflections on Denial in Alcoholic Families* (New York: William Morrow, 1991).
- <sup>117</sup> For a clear indication of how much was known, and in what detail, see Moorfield Storey and Julian Codman, “Marked Severities” in *Philippine Warfare* (Boston: George H. Ellis, 1902).
- <sup>118</sup> Creighton Miller, “Benevolent Assimilation”, p. 253.
- <sup>119</sup> Ibid.
- <sup>120</sup> Ibid. The individuals named—President Theodore Roosevelt, Massachusetts Senator Henry Cabot Lodge and Indiana Senator Albert Beveridge—were key leaders among what was referred to as “The Imperialist Clique.” See Richard H. Miller, *American Imperialism in 1898: The Quest for National Fulfillment* (New York: John Wiley, 1971). On the contemporaneous “anti-imperialist movement,” see Robert L. Beisner, *Twelve Against Empire: The Anti-Imperialists, 1898-1900* (Chicago: University of Chicago Press, [2nd ed.] 1985). Overall, see Thomas G. Patterson, ed., *American Imperialism and Anti-Imperialism: Problem Studies in American History* (New York: Thomas Y. Crowell, 1973).
- <sup>121</sup> A cornerstone articulation came in the contention that imperialism should be treated as a “great aberration in American history” advanced by Samuel Flagg Bemis in his purportedly magisterial *Diplomatic History of the United States* (New York: Henry Holt, 1936) at p. 463. Such patent nonsense had been thoroughly refuted by the late 1960s and early-70s. See, as examples, William Appleman Williams, *The Roots of the Modern American Empire: A study of the growth and shaping of social consciousness in a marketplace society* (New York: Random House, 1969) and Sidney Lens, *The Forging of the American Empire: From the Revolution to Vietnam, A History of American Imperialism* (New York: Thomas Y. Crowell, 1969). Nonetheless, insistence that the United States has “no imperial ambitions” remains standard fare not only in the pronouncements of U.S. officials, but those of “responsible” academics as well. See, e.g., the statement of Stanford University professor of international affairs *cum* national



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security advisor Condoleeza Rice during a press conference conducted on July 23, 2003 (transcript available at <http://www.whitehouse.gov/2003/07/20030731-7.html>).

- <sup>122</sup> Often, the compensatory allegations amount to outright falsehoods, as with the much-publicized 1990 claim that Iraqi soldiers had killed hundreds of Kuwaiti babies in order to steal their incubators. See Boose, “Techno-Muscularity,” p. 593.
- <sup>123</sup> There are, of course, significant exceptions to this, notably those like Mark Lane and Dick Gregory who have lost themselves forever in the mazes surrounding the Kennedy and King assassinations; see, e.g., Mark Lane and Dick Gregory, *Code Name “Zorro”: The Assassination of Martin Luther King, Jr.* (Englewood Cliffs, NJ: Prentice-Hall, 1977); Mark Lane, *Plausible Denial: Was the CIA Involved in the Assassination of JFK?* (New York: Thunder’s Mouth Press, 1991).
- <sup>124</sup> This is not to argue that such concepts have no analytical value. Obviously, they do (which is of course why I employ them myself). Their insufficiency in and of themselves should be equally obvious, however. The “nazi state” committed none of the crimes of nazism; *people* subscribing to nazi “ideals” and thus embracing their manifestation in statist form committed and/or were complicit in the crimes. Questions of popular culpability, accountability and even responsibility have been all but expunged from contemporary progressivist discourse, leaving it in some respects as sanitized—or disingenuous—as the conservative disquisitions it purports to critique.
- <sup>125</sup> To my knowledge, the only person attempting to define with any degree of precision who should be identified by the term “élite” has been the sociologist G. William Domhoff, in his *Who Rules America? Power and Politics in the Year 2000* (Mountainview, CA: Mayfield, 1998). Of additional interest, see his *The Power Elite and the State: How Policy is Made in America* (Chicago: Aldine de Gruyter, 1990).
- <sup>126</sup> This is the famous stew composed in equal parts of “I didn’t know,” “I was only following orders”—or “I had no choice but to follow orders”—and “if I hadn’t done it, someone else would have” ladled up by everyone up to and including ranking members of the nazi government. That the argument held no legal merit was clearly established at Nuremberg. Philosophically, it was rebutted rather firmly by Karl Jaspers and others at about the same time. Subsequently, it has been refuted chapter and verse both sociologically and on the grounds of historical evidence. See, e.g., Julius H. Schoeps, “From Character Assassination to Mass Murder,” in Robert R. Shandley, ed., *Unwilling Germans? The Goldbagen Debate* (Minneapolis: University of Minnesota Press, 2000) pp. 79-80. In essence, knowledge of the nazi crimes was widespread, orders *could* be—and sometimes were—refused without personal consequence, and, had a sufficient number of Germans simply declined to go along, the Hitler régime would have had to adjust its policies accordingly. The fact is that a lopsided majority of Germans were quite comfortable with—and to a considerable extent openly celebratory of—nazism’s “triumphs and accomplishments” right up to the point when the war turned decisively against them during the winter of 1942-43. See Ian Kershaw, *Hitler, 1936-1945: Nemesis* (New York: W.W. Norton, 2000) pp. 311, 367, 375, 421, 551; Michael Burleigh, *The Third Reich: A New History* (New York: Hill and Wang, 2000) pp. 266-7, 759-60. For a reserved but nonetheless very useful explication/analysis of the philosophical/legal issues involved, see Mark J. Osiel, *Obedying Orders: Atrocity, Military Discipline and the Law of War* (New Brunswick, NJ: Transaction, 1999).
- <sup>127</sup> The piece generating such controversy is my own “Some People Push Back: Reflections on the Justice of Roosting Chickens,” *Pockets of Resistance*, No. 27 (Sept. 2001). The term “little Eichmanns,” however, was borrowed from John Zerzan’s “Whose Unabomber?,” *Anarchy*, Vol. 15, No. 2 (Winter 1997-98) pp. 50-51; collected in his *Running on Emptiness: The Pathology of Civilization* (Los Angeles: Feral House, 2002) p. 154.
- <sup>128</sup> Although not one of the many who raised this issue ventured a guess as to what proportion of the fatalities actually fit their description, most spoke as if there was no one in the WTC *but* such people. Alternately, their arguments imply that it is impermissible to attack a target if there is a chance *any* clean-up or food service personnel might suffer as a result. By this standard, of course, *no* targets are permissible, a principle precluding, for example, NLF mortar attacks on U.S. military compounds in Vietnam. Since none of the objectors has suggested that the latter restriction should hold true—several have in fact angrily repudiated it—their position ultimately reduces to the first sort of double standard marking any other variety of American exceptionalism. For the record, using the government’s initial estimate of about 4,500 dead—roughly 4,000 at the WTC—my own arithmetic is as follows: Subtracting 300 undocumented workers, 600 documented workers, 100 temp workers, 100 bystanders and 350 firemen from the toll leaves approximately 2,600 little Eichmanns (a tally in which 200-odd police and FBI personnel are most emphatically included). [As is observed in note 81, most of



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the figures used here were far too high. The *total* number killed at the WTC was barely over 2,600, of whom 370 were foreign nationals. All of the latter were documented, but it's doubtful that *any* of them might be accurately described as a "worker." Be that as it may, there's no indication that a single *undocumented* worker was among the dead. Nor is there indication that a single passer-by was killed. You do the math.]

- <sup>129</sup> Obituary, *New York Times* (Dec. 9, 2001). I wish to emphasize that by using this young man as an illustration I do not mean to single him out as having been in any way more repugnant than his peers. As I said, he is representative. I could as easily have used the obituaries in the same *NYT* spread for the 32-year-old bond trader who had already purchased an extravagantly-expensive apartment on upscale West 72nd Street and, "although it was perfectly livable"—obviously enough—had it "gutted to the slab and girders" and reassembled in a personal fashion statement costing enough to sustain an entire Third World community for years. Then there was the older corporate vice president who, at 48, already owned his country estate, vacation cottage, cars, boat and collection of race horses, and was preparing to take early retirement so that he might better enjoy the "fruits of his labor." As easily, I could have used the obit spread run by the *NYT* on any other day since it began publishing them in September to obtain the same results.
- <sup>130</sup> The first three characterizations accrue from the obituary cited above, the last three from polemics e-mailed to me by self-styled progressives. Note how, in the second set, the wealth enjoyed by the individual in question is imputed more-or-less to chance, as if he'd won the lottery, rather than to the specific activities in which he'd actually engaged. The purpose of this dodge—the writer was plainly aware that happenstance played no role in the subject's income generation—is to exonerate the deceased from the onus of choices he himself had been "proud" to make, as well as from the implications of the values revealed thereby.
- <sup>131</sup> Actually, comparing him to the group in question may be in some ways unfair to Eichmann. Whatever else may be said of his motivations, they appear to have devolved upon some hideous combination of "professionalism" and perverted idealism rather than anything so crass as material greed. The "little Eichmanns" of 9-1-1, on the other hand, seem to have been suffering in varying degrees of acuteness from Antisocial Personality Disorder, a pathology marked by extreme displays of "hedonism, irresponsibility [and] indifference to the suffering" of anyone other than themselves and/or a narrow circle of family and friends. See Thomas A. Widiger and Timothy J. Trull, "Personality Disorders and Violence," in Monahan and Steadman, *Violence and Mental Disorder*, pp. 208-13, 215. While many words come to mind in describing such a condition, neither "cool" nor "warm hearted" are among them. That they might go unchallenged when used in this way is evidence of the much broader pattern of dissociation/denial afflicting American social consciousness.
- <sup>132</sup> Much of the negative correspondence I've received has seemed rather visceral, as if the writers were reacting to the name, with no real clue as to who Adolf Eichmann was, what he did, and thence his significance in the present context. Let it be observed, then, that he was a mere field grade officer in the SS, by all accounts a good husband and devoted father, apparently quite mild-mannered, and never credibly accused of having personally murdered anyone at all. His crime was to have to sat at several steps remove from the holocaustal blood and gore, behind a desk, in the sterility of an office building, organizing the logistics—train and "cargo" schedules, mainly—without which the "industrial killing" aspect of the nazi Judeocide could not have occurred. His most striking characteristic, if it may be called that, was his sheer "*un*exceptionality" (that is, the extent to which he had to be seen as "everyman": an "ordinary," "average" or "normal" member of his society). See generally, Hannah Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil* (New York: Viking, 1963) and Bernard J. Bergen, *The Banality of Evil* (Lanham, MD: Rowman & Littlefield, 1998).
- <sup>133</sup> I am perhaps using the term "progressive" a bit too broadly. It should be noted that *every* hostile comment I've received—or heard—has come from relatively privileged whites, mostly men, self-described as a "peace activist." Such favorable commentary as I've encountered—and it's been considerable—has come mostly, though by no means exclusively, from people of color. The pattern is entirely consistent with that discussed in conjunction with notes 20-34, and one I've explored more thoroughly in *Pacifism as Pathology*.
- <sup>134</sup> Witness the oft-remarked and truly global sentiment of "anti-Americanism" which has become ever more pronounced over the past half-century. See, e.g., Alvin G. Rubinstein and Donald E. Smith, eds., *Anti-Americanism in the Third World: Implications for U.S. Foreign Policy* (New York: Praeger, 1985). Facile attributions of such resentments to "envy" are as pathologically delusional—or diversionary—as any other facet of American denial.

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- <sup>135</sup> U.S. Senate, Committee on the Judiciary, *Hearing on a Proposed Constitutional Amendment to Protect Crime Victims* (Washington, D.C.: 105th Cong., 2d Sess., Apr. 28, 1998). For further discussion of the issue, as framed in the U.S., see the various contributions to Sara Flaherty and Austin Sarat, eds., *Victims and Victims' Rights: Crime, Justice and Punishment* (New York: Chelsea House, 1998).
- <sup>136</sup> Jaspers, *German Guilt*, pp. 25-6. A further elaboration of the Jasperian schematic, reframed in terms of "responsibility" rather than "guilt," is developed by David H. Jones in his *Moral Responsibility in the Holocaust: A Study in the Ethics of Character* (Lanham, MD: Rowman & Littlefield, 1999) esp. pp. 15-32.
- <sup>137</sup> See generally, Geoffrey Robertson, *Crimes Against Humanity: The Struggle for Global Justice* (New York: Free Press, 2000). More technically, see Steven R. Ratner and Jason S. Abrams, *Accountability for Human Rights Atrocities in International Law: Beyond the Nuremberg Legacy* (New York: Oxford University Press, [2<sup>nd</sup> ed.] 2001).
- <sup>138</sup> "The idea that a state, any more than a corporation, commits crimes, is a fiction. Crimes are committed only by persons.... It is quite intolerable to let a legalism become the basis for personal immunity." U.S. Supreme Court Justice Robert H. Jackson in his role as Nuremberg prosecutor (1945), quoted in Robertson, *Crimes Against Humanity*, p. 218. Also see Lyal S. Sunga, *Individual Responsibility in International Law for Serious Human Rights Violations* (The Hague: Martinus Nijhoff, 1992).
- <sup>139</sup> A major reason the Nuremberg Tribunal was convened was because Germany had rather spectacularly defaulted on its the authority allowed it under Articles 228 and 229 of the Treaty of Versailles to prosecute its own war criminals after World War I. Of 901 individuals against whom evidence was provided by the allied powers, 888 were acquitted in German courts. Only token sentences were imposed upon the remaining thirteen, several of whom were shortly "allowed to escape by prison officials who were publicly congratulated for assisting them." See Robertson, *Crimes Against Humanity*, pp. 210-1. As will be discussed in notes 163 and 164, the U.S. record is no better.
- <sup>140</sup> The idea is neither new nor novel. See Wright, "Law of the Nuremberg Tribunal"; Manley O. Hudson, *The Permanent Court of International Justice* (New York: Macmillan, 1943); Maynard B. Golt, "The Necessity of an International Court of Justice," *Washburn Law Journal*, No. 6 (1966) pp. 13-23; Leo Gross, "The International Court of Justice: Enhancing Its Role in the International Legal Order," in Leo Gross, ed., *The Future of the International Court of Justice* (New York: Oceana, 1973) pp. 22-104.
- <sup>141</sup> There were those who "foresaw the disaster, said so, and warned; that does not count politically...if no action followed or it had no effect... To be content with paper protests [or] to play riskless politics...is evasion of responsibility." Jaspers, *German Guilt*, pp. 56, 85. For a useful extrapolation based on precisely these principles, see Mike Ryan's "On Ward Churchill's 'Pacifism as Pathology': Towards a Consistent Revolutionary Practice," in *Pacifism as Pathology*, pp. 131-68.
- <sup>142</sup> "Politically everyone acts in the modern state, [if only] by voting, or failing to vote, in elections... One might think of cases of wholly non-political persons who live aloof from all politics... Yet they, too, are included among the politically liable, because they, too, live by the order of the state. There is no such aloofness in modern states." Jaspers, *German Guilt*, p. 56. For further elaboration, see Frank Harrison, *The Modern State: An Anarchist Analysis* (Montréal: Black Rose Books, 1984).
- <sup>143</sup> "A people answers for its polity [because] political conditions are inseparable from a people's whole way of life... We are responsible for our régime, for the acts of our régime...for the kinds of leaders we allowed to arise among us... Hence there is a two-fold guilt—first in the unconditional surrender to a leader as such, and second, in the kind of leader submitted to. The atmosphere of submission is a kind of collective guilt." Jaspers, *German Guilt*, pp. 55, 70, 72.
- <sup>144</sup> "There is *liability* for political guilt, consequently reparation is necessary and...loss or restriction of political rights on the part of the guilty [emphasis original]"; Jaspers, *German Guilt*, p. 30. Also see Elazar Barkan, *The Guilt of Nations: Restitution and Negotiating Historical Injustices* (New York: W.W. Norton, 2000) and the material collected in Roy L. Brooks, ed., *When Sorry Isn't Enough: The Controversy over Apologies and Reparations for Human Injustice* (New York: New York University Press, 1999).
- <sup>145</sup> In some cases, the number of actual perpetrators may run into the hundreds of thousands, those culpable by reason of active complicity into the millions. In such instances, the likelihood of everyone involved being brought to trial is nil. For logistical reasons, if nothing else, the best hope is that a few thousand "key players" be prosecuted and punished. This was essentially the pattern established at Nuremberg. See John Alan

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Appleman, *Military Tribunals and International Crimes* (Westport, CT: Greenwood Press, 1971 reprint of 1954 original).

- <sup>146</sup> “Blindness for the misfortune of others...indifference toward the witnessed evil—that is moral guilt. The moral guilt of outward compliance, of *running with the pack*, is shared to some extent by a great many of us. To maintain his existence, to keep [her] job, to protect his [or her] chances, a man [or woman] would...carry out nominal acts of conformism. None will find an absolute excuse for doing so—notably in view of [those] who, in fact, did not conform, and bore the consequences... It is never simply true that ‘orders are orders.’ Rather—as crimes even though ordered...so every deed remains subject to moral [and criminal] judgment.” Jaspers, *German Guilt*, p. 64.
- <sup>147</sup> “It would, indeed, be an evasion and a false excuse if we Germans tried to exculpate ourselves by pointing to the guilt of being human.” Jaspers, *German Guilt*, p. 94. For a current rehash of the bilge at issue, see Francis Fukuyama’s *The Great Disruption: Human Nature and the Reconstruction of Social Order* (New York: Simon and Schuster, 2000).
- <sup>148</sup> “Each one of us is guilty insofar as [s/he] remained inactive... The conditions out of which both crime and political guilt arise [consist of the] commission of countless little acts of negligence, of convenient adaptation, of cheap vindication, and the imperceptible promotion of wrong; the participation of the creation of a public atmosphere that spreads confusion and thus makes evil possible—all that has consequences that partly condition the political guilt involved in the situation and events”; Jaspers, *German Guilt*, pp. 63, 29.
- <sup>149</sup> I’ve consciously switched from “they” to “we” in this passage. This is because, despite my sustained, always vociferous and at times physical opposition, and the fact that I am a citizen only by virtue of the U.S. imposition of itself upon my people, I am nonetheless *here*, in the belly of the beast, still alive and at liberty, and have thus done less than I could have. Hence, I share in the political guilt of all Americans. It follows that had I been in aboard one of the fatal aircraft on 9-1-1—or should I be similarly extinguished in the future, as is entirely possible, under present circumstances—I will have no more basis for complaint than any other American.
- <sup>150</sup> Quoted in Jürgen Habermas, “Goldhagen and the Public Use of History: Why a Democracy Prize for Daniel Goldhagen?” in Shandley, *Unwilling Germans?*, p. 265. On Schmitt’s decisive role in the formulation of nazi legal theory, see Stolleis, *Law Under the Swastika*, esp. pp. 13, 92-3, 97-8, 100.
- <sup>151</sup> This concerns “attempts of the New Right ideologues around Ranier Zitelmann as well as among some of the more naive social historians to relativize the horrors of the Third Reich by reference to the supposedly ‘good aspects’ of the regime, which is said to have promoted a sort of ‘progressive social policy,’ or even have become a kind of ‘welfare state’ in which ‘only minorities and marginal groups’ were persecuted”; Wolfgang Wippermann, “The Jewish Hanging Judge? Goldhagen and the ‘Self-Confident Nation,’” in Shandley, *Unwilling Germans?*, p. 243.
- <sup>152</sup> The level of argumentation here descends to that embodied in claims that the lethal thugs rostering Brooklyn’s Murder, Inc., during the 1930s really “weren’t so bad” because, whatever else they may have done, they were always “good to their mothers.” See Robert A. Rockaway, *But He Was Good to His Mother: Lives and Crimes of Jewish Gangsters* (New York: Gefen, 2000). Like it or not, the evaluative principle by which such virtues are discounted to the point of irrelevancy in assessments of Lepke Buchalter and Allie Tannenbaum—or Adolf Eichmann—is equally applicable to many of those killed on 9-1-1, as much to Cantor Fitzgerald as to Murder, Inc., to the U.S. no less than to nazi Germany.
- <sup>153</sup> The past does not simply “go away,” nor can America’s myriad victims just “get over it,” no matter how convenient it would be for Americans if they did. See analogously, Charles S. Maier, *The Unmasterable Past: History, Holocaust, and German National Identity* (Cambridge, MA: Harvard University Press, 1988).
- <sup>154</sup> In a sense, the same could be said of America’s own troops, disproportionately drawn as they are from impoverished communities of color and poor sectors of the white populace, once their more privileged countrymen have used them as fodder. Witness the ongoing official refusal to acknowledge—and thus accept responsibility for—the well-established link between dioxin exposure and the cancers/other serious health maladies suffered at extraordinarily high rates by Vietnam veterans and their offspring. See Fred A. Wilcox, *Waiting for an Army to Die: The Tragedy of Agent Orange* (Santa Ana, CA: Seven Locks Press, 1989); Institute of Medicine, *Veterans and Agent Orange: Update 1998* (Washington, D.C.: National Academy Press, 2000). Much the same thing is now occurring with the “Gulf War Syndrome” suffered at high rates by soldiers exposed to depleted uranium and other toxins in 1991. See Akiro Tashiro, *Discounted Casualties: The Human Costs of Depleted*

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*Uranium* (Hiroshima: Chigoku Chimum, 2001). Needless to say, the mostly affluent “progressives” of the “antismoking movement”—for all their shrieking about the illusory “health effects” of environment tobacco smoke in open air sports stadia (see note 20)—have maintained a thundering silence vis-à-vis these substantive problems.

- <sup>155</sup> See the sections titled “The Comfort Zone” and “Let’s Pretend” in *Pacifism as Pathology*, pp. 46-69.
- <sup>156</sup> It should be noted that Americans are by-and-large as self-contradictory on this score as anything else. Although there is endless clucking about the “moral impropriety” of armed resistance to state power in the U.S., exactly the opposite is held to be true with respect to Germany. Although it is true that, as Jaspers observes, many thousands of Germans were imprisoned for resistance by the nazis—“every month of 1944 political arrests exceeded 4,000”—it is also true that these “anonymous martyrs,” offered no “dangerous opposition.” They resisted almost exclusively “by word” and were therefore “ineffective.” See Jaspers, *German Guilt*, pp. 77, 55. Also see Peter Hoffman’s massive study, *The History of the German Resistance, 1933-1945* (Montréal: McGill-Queen’s University Press, [3rd ed.] 1996). The sole group consequential enough to be recollected at all in the U.S.—and quite approvingly so—are the group of plotters who attempted to assassinate Hitler late in the war. See, e.g., Giles MacDonogh, *A Good German: A Biography of Adam von Trott zu Solz* (Woodstock, NY: Overlook Press, 1992).
- <sup>157</sup> The “traditional Washington stance [has been] that the U.S. is above international law.” Robinson, *Crimes Against Humanity*, p. 327. Suffice it here to observe that the “unilateralist” policy pursued by the U.S. in international affairs draws much of its inspiration from the theory of a “prerogative state”—a “governmental system which exercises unlimited arbitrariness and violence unchecked by any legal guarantees” other than those it elects on the basis of expedience or transient self-interest to observe—described by legal philosopher Ernst Fraenkel, in his *The Dual State: A Contribution to the Theory of Dictatorship* (New York: Oxford University Press, 1941) p. xiii.
- <sup>158</sup> “U.S. Terminates Acceptance of ICJ Compulsory Jurisdiction,” *Department of State Bulletin*, No. 86 (Jan. 1986).
- <sup>159</sup> The U.S. refused to join 120 other states voting to affirm the ICC Charter in 1998, and continues to insist it will never do so until the Charter is revised to grant Americans “100 percent protection” against—that is, blanket immunity from—indictment and prosecution; Blum, *Rogue State*, p. 77; Robertson, *Crimes Against Humanity*, pp. 327-8.
- <sup>160</sup> On the binding effect of customary law on all states, see Wright, “Law of the Nuremberg Tribunal.”
- <sup>161</sup> For a fairly comprehensive itemization, see Blum, *Rogue State*, pp.187-97.
- <sup>162</sup> Lawrence J. LeBlanc, *The United States and the Genocide Convention* (Durham, NC: Duke University Press, 1991); the text of the U.S. “Sovereignty Package” appears as Appendix C, pp. 253-4.
- <sup>163</sup> Article 37 of the “Convention on the Rights of the Child,” which has been ratified by every U.N. member state but the U.S. and Somalia, makes it illegal to impose the death penalty on persons who were under eighteen years-of-age at the time their crime was committed. In *Tompkins v. Oklahoma* (108 S.Ct. 2687 (1988)) and *Stanford v. Kentucky, Wilkins v. Missouri* (492 U.S. 361 (1989)), however, the U.S. Supreme Court has upheld the executions of persons who were as young as sixteen when their offenses occurred. In effect, the U.S. refusal of the Convention, is expressly intended to preserve a legally-fictional “sovereign right” to kill children.
- <sup>164</sup> The “Land Mine Convention,” which took effect on March 1, 1999, has been affirmed by 131 states and formally ratified by more than seventy. The U.S. has stated repeatedly that it will endorse the law only if it—and it alone—is exempted from compliance. See Blum, *Rogue State*, p. 101.
- <sup>165</sup> A classic example concerns Col. John Chivington and other perpetrators of the 1864 Sand Creek Massacre. Although three separate federal investigations—one by the House, another by the Senate, the third by the Department of War—each concluded that violations of the Army’s Lieber Code, several of them capital offenses, had been committed deliberately and on a massive scale, no one was prosecuted. See the final chapter of Stan Hoig’s *The Sand Creek Massacre* (Norman: University of Oklahoma Press, 1961). Another concerns the 1968 My Lai Massacre in Vietnam. Only four of an already much-circumscribed list of thirty responsible officers were ever taken to trial. See Joseph Goldstein, Burke Marshall and Jack Schwartz, *The My Lai Massacre and Its Cover-Up: Beyond the Reach of the Law* (New York: Free Press, 1976) pp. 3-4. The litany could continue, but there should be no need. The parallel to the interwar German performance described in note 138 is obvious.

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- <sup>166</sup> Lt. William Calley, the only man ultimately convicted in the massacre of “at least 102 Oriental human beings” at My Lai, served only three-and-a-half years as a result, most of it in his own quarters. Several other officers received reprimands, demoted one rank, stripped of a medal, and/or directed to take early retirement; Goldstein, Marshall and Schwartz, *My Lai*, pp. ix-x, 465-7. The same pattern prevailed in 1902-03, with respect to the handful of officers found guilty of atrocities in the Philippines. See Creighton Miller “*Benevolent Assimilation*”, pp. 236-8. Again, there is a striking similarity to the performance of interwar Germany described in note 138.
- <sup>167</sup> Once again, the idea is by no means new. It was first seriously proposed in 1969, as part of a broader strategy to force a halt to the U.S. war against Indochina; see Judith Cockburn and Geoffrey Cowan, “The War Criminals Hedge Their Bets,” *Village Voice* (Dec. 4, 1969); Townsend Hoopes, “The Nuremberg Suggestion,” *Washington Monthly* (Jan. 1970) pp. 18-21.
- <sup>168</sup> Christopher Hitchens, *The Trial of Henry Kissinger* (London: Verso, 2001).
- <sup>169</sup> Robertson, *Crimes Against Humanity*, pp. 446-8.
- <sup>170</sup> See Telford Taylor, *Anatomy of the Nuremberg Trials* (New York: Alfred A. Knopf, 1992).
- <sup>171</sup> The notion of “voluntary” remedies, in which offenders themselves establish either the form or the equity involved, has long since proven more than inadequate. See Hubert Kim, “German Reparations: Industrialized Insufficiency,” and Roy L. Brooks, “What Form Redress?,” both in Brooks, *When Sorry Isn't Enough*, pp. 77-80, 87-100.
- <sup>172</sup> Although the dispensation of justice was far from perfect or complete, more than 6,000 criminal cases were brought against former nazis in Germany’s domestic courts between 1951 and 1981. See Diane F. Orentlicher, “Settling Accounts: The Duty to Prosecute Human Rights Violations of a Prior Regime,” *Yale Law Journal*, Vol. 100, No. 8 (1991) pp. 2537-2615. One major barrier to a still more thorough process was the protection provided by the U.S. to thousands of potential defendants its CIA and military establishment saw as being useful for their own purposes; Christopher Simpson, *Blowback: America's Recruitment of Nazis and Its Effect on the Cold War* (London: Weidenfeld and Nicholson, 1988).
- <sup>173</sup> Shortly after 9-1-1, Noam Chomsky presumed to inform the attackers of what they “should” have done instead. Astonishingly, he then goes on to posit as a “precedent” for “how to go about [obtaining] justice” the 1985 *Nicaragua v. U.S.* case in which a people “subjected to violent assault by the U.S....went to the World Court, which issued a judgment in their favor condemning the U.S. for what it called ‘unlawful use of force,’ which means international terrorism, ordering the U.S. to desist and pay substantial reparations.” What is bizarre is that Chomsky also observes how “the U.S. dismissed the court judgment with contempt, responding with an immediate escalation of the attack [in which] tens of thousands of people died. The country was substantially destroyed, it may never recover.” *This* is how victims “should proceed”? Plainly, there’s something seriously askew here. See Noam Chomsky, interviewed by David Barsamian, “The United States is a Leading Terrorist State,” *Monthly Review*, Vol. 53, No. 6 (2001) pp. 14-5.
- <sup>174</sup> “A state [polity] which has violated natural law and human rights on principle—at home from the start, destroying human rights and international law abroad—has no claim to recognition, in its favor, of what it refused to recognize itself.” Jaspers, *German Guilt*, p. 38.
- <sup>175</sup> “By ‘national history,’ I do not mean just the history of a given country or nation. I refer to the dominant framework for understanding that history. This is not confined to or necessarily governed by how academic history is written, though it may include that. It encompasses how a national history is represented more generally in the public sphere—in newspapers and magazines, on television and film, in textbooks and popular works of history. These shape a people’s images of its past far more than do the scholarly books of academic historians.” Daniel Jonah Goldhagen, “*Modell Bundesrepublik: National History, Democracy, and Internationalization in Germany*,” in Shandley, *Unwilling Germans?*, pp. 275-6.
- <sup>176</sup> *Ibid.*, pp. 277-80.
- <sup>177</sup> Jaspers, *German Guilt*, pp. 96-117.
- <sup>178</sup> For exemplars of the canonical approach, see Samuel Eliot Morison, *The Oxford History of the American People* (New York: Oxford University Press, 1965); James McGregor Burns, *The American Experiment*, 3 vols. (New York: Alfred A. Knopf, 1983-86). On its pop counterparts, see, as examples, Peter C. Rollins, ed., *Hollywood as*

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*Historian: American Film in a Cultural Context* (Lexington: University Press of Kentucky, 1983); Robert Brent Toplin, *History by Hollywood: The Use and Abuse of the American Past* (Urbana: University of Illinois Press, 1996).

<sup>179</sup> Although overlapping, there are significant differences between the legal and historical arenas not only with regard to the rules of evidence, but concerning the purposes to which it is put. In simplest terms, the emphasis of the former is to demonstrate culpability, the latter is upon explaining it. See generally, Graham C. Lilly, *An Introduction to the Law of Evidence* (St. Paul, MN: West Wadsworth, 1996); Walter Prevenier and Martha C. Howell, *From Reliable Sources: An Introduction to Historical Methods* (Ithaca, NY: Cornell University Press, 2001).

<sup>180</sup> This is more-or-less the process that has occurred with respect to Germany. See Maier, *Unmasterable Past*.

