

Kerry's Saudi-Israeli Appeasement Tour

Exclusive: Secretary of State Kerry is scurrying from capital to capital across the Mideast in what looks like an apology tour, seeking to soothe the hurt feelings of Saudi Arabia and Israel, but the appeasement may encourage more resistance to U.S. policies, writes Robert Parry.

By Robert Parry

Saudi Arabia faults President Barack Obama for demonstrating a lack of leadership in confronting Middle East crises, by which the kingdom means he should have intervened militarily in the Syrian civil war and fully backed the Egyptian coup d'etat. But Obama's real lack of spine was on display when he sent Secretary of State John Kerry on a groveling tour seeking to placate Saudi Arabia and Israel.

Kerry seemingly must have worn out his knee pads in one "allied" capital after another, offering reassurances that the Obama administration won't go too easy on the Iranians in nuclear talks, won't cede much ground to Syria in peace negotiations, won't be too tough on Egypt's military dictators, and won't protest Israel's latest land grab.

When in Israel, Kerry faced the embarrassment of new Israeli housing being approved for East Jerusalem and the West Bank. When in Egypt, while praising the Egyptian military for pursuing the right course on democracy, the dictatorship was putting the elected president Mohamed Morsi and his allies on trial for murder.

However, perhaps most humiliating was Kerry's flight to Riyadh, Saudi Arabia, where he reassured King Abdullah that the United States shared the Saudi goals on Syria, Iran and Egypt and that the only disagreements were on tactics.

The oh-so-polite Kerry even avoiding confronting the Saudi royals over their abominable treatment of women. He laughed off a question about whether Saudi women should be allowed to drive, saying that the debate over women's rights was "best left to Saudi Arabia."

The Saudis took Kerry's measure and soon were briefing American reporters on Obama's weak-kneed foreign policy.

According to a New York Times article, "At the root of much of the Saudis' criticism was the perception that President Obama was uncomfortable with exercising power on the world stage, a gnawing worry for Saudi officials who have become increasingly concerned about the role of their nemesis Iran in Syria

and elsewhere in the region.”

Yet, if President Obama wished to show off some real muscle, he might have had Secretary Kerry scold the Saudis about their abuse of women and confront the Saudis about their bloody support of radical jihadists who have been deployed across the region wreaking havoc and engaging in terrorism.

Not only did Saudi nationals make up most of the roster of the 9/11 hijackers, inspired by another Saudi, Osama bin Laden, but al-Qaeda and Islamic extremists have long enjoyed the largesse of elements of the Saudi royal family and served essentially as the kingdom’s global paramilitary force, whether fighting Soviets in Afghanistan in the 1980s or destabilizing the Syrian government today.

Deniability on Terror

Though the Saudi government practices deniability in its relationship with these violent extremists, Saudi leaders sense that their immense clout over oil and financial markets and thus their ability to disrupt Western economies makes them essentially untouchable.

So, they often demonstrate highhandedness even when dealing with U.S. presidents, such as when Prince Bandar bin Sultan as Saudi ambassador to the United States during the 9/11 attacks got President George W. Bush to let members of the bin Laden family leave U.S. cities on the first flights allowed back into the air, post-9/11, and after only cursory interviews with the FBI.

Now as head of Saudi intelligence, Bandar has been throwing his weight around by expressing his displeasure with Russia and the United States for not joining Saudi Arabia in overthrowing the Syrian government of Bashar al-Assad. Bandar’s arrogance included what sounded like thinly veiled threats about possible terrorism against the Winter Olympics in Russia if President Vladimir Putin didn’t bend to Saudi desires on Syria.

According to a diplomatic account of a Bandar-Putin meeting on July 31 in Moscow, Bandar made clear that Saudi Arabia has been pulling the strings on the Chechen militants who have carried out numerous terrorist attacks inside Russia and who could be reined in during the Olympics in Sochi next year if there was a Saudi-Russian agreement on Syria.

A source familiar with the meeting told me that Putin viewed the reference to Sochi as something akin to a Mafia don shaking down a shopkeeper for protection money by saying, “nice little business you got here, I’d hate to see anything happen to it.” I’m also told that Putin responded with his own blunt warning to Bandar about holding Saudi Arabia accountable if any Islamic terrorist group does attack the Olympics.

The Obama administration could have shown similar toughness in spurning Saudi Arabia's demands that the United States essentially intervene on its side in the Sunni-Shiite sectarian strife that is playing out across the region. The Saudis are leading the Sunni contingent of Middle East nations, with Iran anchoring the so-called Shiite crescent which extends through Iraq and Syria to the Hezbollah strongholds in Lebanon.

President Obama could have bluntly explained that the United States won't take sides in a sectarian conflict that dates back nearly 1,400 years to the succession struggle after the Prophet Mohammad died in 632. At the Battle of Karbala, the slaughter of Hussein ibn Ali and his household divided the Islamic community into Shiite and Sunni sects.

Those ancient hostilities continue to divide the Islamic world in modern times, flaring up after the Iranian revolution in 1979 when a revolutionary Shiite regime took power and unnerved the more conservative Sunni power structure based in Saudi Arabia. Saudi fears about possible Iranian encroachment in the Persian Gulf drove the eight-year-long Iran-Iraq War in which Iraq's Sunni dictator Saddam Hussein served as the bulwark against Shiite influence from Tehran.

A Misguided War

The delicate sectarian balance was disrupted again in 2003 when President George W. Bush invaded Iraq to overthrow Hussein, a victory that gave Iraq's Shiite majority the opportunity to seize control and build a working relationship with Shiite-ruled Iran. With Syria controlled by the Assad dynasty, based in the Alawite sect which is an offshoot of Shiite Islam, a Shiite crescent suddenly extended from Tehran to Beirut.

This expanding Shiite influence upset the Saudis who began supporting the Sunni rebels fighting to overthrow Syrian President Bashar al-Assad and thus shatter the Shiite crescent. Though the Saudis claim they are backing the moderate Syrian opposition, their support also has been crucial in drawing jihadists from around the Muslim world into Syria.

Many of those jihadists are flocking to Syria from Saudi Arabia, including some of the most extreme elements with ties to al-Qaeda. Not only have these foreign jihadists engaged in acts of terrorism in Syria, they have used staged photos of dead militants posed with macabre smiles on their faces to recruit other extremists.

An article in Tuesday's Washington Post cited a Saudi fighter as the lead example: "In his death portrait, the young rebel's bearded face is fixed with a broad, unearthly grin. The Saudi man had been killed in fighting, and his

corpse, with its beatific smile, was photographed and displayed in a Twitter posting inviting others to celebrate his martyrdom.

“Since the arrival of the first foreign jihadists in Syria more than two years ago, rebel volunteers have used Facebook and Twitter accounts to keep their friends and relatives updated about their experiences... When fighters are killed, the same Web sites offer a way to spread the news to family and friends and pay tribute to the fallen, researchers say.

“Many of the postings include images and allusions intended to resonate with the Muslim faithful. In some photos, bodies with grievous wounds are posed so that they appear to be smiling or, in some cases, pointing to heaven.

“A common belief among jihadists is that martyrdom brings special rewards in paradise, including the affections of 72 ‘houris’ black-eyed virgins promised to men in the afterlife as well as an ability to win entry to heaven for the martyrs’ relatives.” [Washington Post, Nov. 5, 2013.]

If Kerry wanted to demonstrate the Obama administration’s real comfort in exercising power on the world stage, he might have bluntly told Saudi intelligence to stop funding, arming and deploying these fanatics in Syria or anywhere else. Instead, Kerry behaved as a supplicant arriving in the kingdom to appease the petulant king and his court.

Bending in Egypt and Israel

Kerry made similar on-bended-knee appearances in Cairo and Jerusalem. In Egypt, Kerry praised the military regime that overthrew the elected president in July and brutally suppressed his Muslim Brotherhood followers, killing more than a thousand. As the New York Times reported,

“In substance as well as tone, Mr. Kerry’s visit to Egypt reflected the Obama administration’s determination to work with a military leadership that ruthlessly put down protesters from the Muslim Brotherhood, the Islamist movement that put forth the successful candidacy of President Mohamed Morsi, who was ousted on July 3. A military government, now firmly entrenched here, has promised to establish a civilian-led government.”

Kerry hailed the military regime’s “road map” for moving toward the restoration of civilian rule, possibly with elections next spring. However, Kerry’s trip coincided with the regime’s decision to put Morsi and his political allies on trial for murder. The regime’s timing and Kerry’s praise represented another diplomatic embarrassment for the Obama administration.

In Israel, Kerry’s appeal to Prime Minister Benjamin Netanyahu to press ahead

with peace talks with the Palestinians on a two-state solution was met with the Israeli government's approval of further expansion of settlements in East Jerusalem and the West Bank.

Then, the Washington Post reported that key elements of Netanyahu's coalition were effectively forsaking the idea of a Palestinian state altogether in favor of annexing East Jerusalem and the West Bank as part of a Greater Israel. The plan called for making it hard, if not next to impossible, for many Palestinians to become Israeli citizens, thus guaranteeing continued Jewish domination. The Gaza Strip and its 1.6 million inhabitants would be abandoned to their own desperate fate.

"As Secretary of State John F. Kerry resumes talks [in Jerusalem] Wednesday in the quest to create 'two states for two people,' a vocal faction in Israeli Prime Minister Benjamin Netanyahu's government is, more openly than ever, opposing the very idea of a Palestinian state, and putting forward its own plans to take, rather than give away, territory," the Post wrote.

The Netanyahu government appears emboldened by its new behind-the-scenes alliance with Saudi Arabia, as the two countries combine their geopolitical assets to advance common interests, including supporting the Syrian rebels, challenging Iran over its nuclear program, and aiding the military regime in Egypt.

In these joint endeavors, Israel brings to bear its extraordinary talents at propaganda and lobbying, while Saudi Arabia supplies the money and exploits its influence over oil and financial markets. One source familiar with the Israeli-Saudi tandem said Israel is using this relationship to both advance its regional interests and receive desperately needed cash from the Saudis, who are obsessed with prevailing over their Shiite rivals in Iran.

In the past several months, President Obama has gone against Saudi-Israeli demands that he intervene militarily in Syria to degrade Assad's military strength – and Obama has further alienated the two "allies" by showing a willingness to negotiate with Iran over its nuclear program rather than join Israel in airstrikes against Iranian targets.

But Secretary Kerry's visits from capital to capital on what has the look of an apology tour desperate to soothe the hurt feelings of Israel and Saudi Arabia may only encourage Saudi and Israeli leaders to keep the geopolitical pressure on President Obama.

Investigative reporter Robert Parry broke many of the Iran-Contra stories for The Associated Press and Newsweek in the 1980s. You can buy his new book,

America's Stolen Narrative, either in [print here](#) or as an e-book (from [Amazon](#) and [barnesandnoble.com](#)). For a limited time, you also can order Robert Parry's trilogy on the Bush Family and its connections to various right-wing operatives for only \$34. The trilogy includes *America's Stolen Narrative*. For details on this offer, [click here](#).

Guns But No Butter

The Right's war on the poor rages on, driven in part by the belief that racial and ethnic minorities are getting much of the help. Yet, as food stamps are slashed, Congress lavishes money on military projects that are judged wasteful or useless, John LaForge writes.

By John LaForge

Beginning Nov. 1, food stamp cutbacks mean \$36 per month less for a family of four.

Public "servants" like Wisconsin Republican Paul Ryan and Democratic former President Bill Clinton point to the failure of poverty programs to end poverty, and then slash those program budgets or abolish them altogether. Clinton's actions did away with Aid to Families with Dependent Children in a fell swoop he dubbed "welfare reform."



Rep. Paul Ryan, R-Wisconsin

Meanwhile, the chronic test failure of anti-missile rockets never results in budget cuts, but is called reason enough for more funding. The latest miss by the "missile defense" project occurred July 5 over the Pacific, adding to a near perfect record of total flops or faked hits. The rocket business is one welfare program that is never declared fraudulent or wasteful except by scientists, honest think tanks and military watchdog groups.

Today a lot of Republicans claim the food stamp program, officially the Supplemental Nutrition Assistance Program or SNAP, is rife with fraud. They say "Ineligible people get food stamps!" So Congress dogs the poor who may not vote and don't donate to campaigns, while doling out billions of dollars to missile contractors Lockheed, Martin, Boeing, TRW and Raytheon, etc. in exchange for millions of dollars in re-election cash.

So the House adopted a farm bill in July that for the first time since 1973 eliminates food stamps. A Senate bill approved in May cut about \$4.5 billion from the program, mainly by altering eligibility rules.

The percentage of our population that uses food stamps went up from 8.7 in 2007 to 15.2 in 2012. This near doubling is partly the result of the Great Recession, high unemployment, and the fact that Republicans have made deep cuts in unemployment benefits.

The House action will eliminate about 5.1 million people from SNAP, according to a report by the Health Impact Project. Almost half a million people who get food stamps but still do not get enough to eat (the average SNAP amount is \$134 a month) would lose their eligibility for the stamps. The HIP study found that food stamps cuts will not just affect the ability of low-income people to feed themselves, but would also increase poverty.

Failed and Redundant Weapons

Independent analysts like MIT Professor of Science, Technology and International Security Theodore Postol argue that "ballistic missile defense" (BMD) can't work, interceptor missiles can never distinguish real incoming weapons from swarms of decoys, and should be cancelled.

Postol charged in a March 2000 letter to President Clinton that the program's officers were "most likely attempting to illegally use the security and classification system to hide waste, fraud and abuse," that included faked test results. British Prime Minister Margaret Thatcher told Ronald Reagan 30 years ago, "I am a chemist. I know it won't work."

Still, spending for BMD over three decades totals about \$200 billion, \$130 billion by 2000, according to the Center for Strategic and Budget Assessments,

and about \$10 billion every year since then. Last March, President Barack Obama announced another \$1 billion in funding to add 14 new “interceptor” missile pads to the 26 already deployed in Fort Greely, Alaska.

Even more insulting are the weapons programs unwanted by the Pentagon that get funded again and again. Military brass have said that the new Joint-Strike fighter jet bomber (or F-35) and additional upgrades to the M1 Abrams tank are unnecessary. The 6,000 completed M1 upgrades are enough, says DoD. *Baltimore Sun* blogger Terry Munson reported Aug. 17 that zeroing the Abrams rehab program would save \$3.5 billion.

Pentagon chiefs have called a lot of costly systems unneeded and unaffordable. Josh Sweigart in the *Dayton Daily News* reported last year that the military had proposed cost cutting that would save at least \$487 billion over 10 years.

The Pentagon suggested canceling: 1) the Global Hawk drone, whose purpose is served by the U2, saving \$2.5 billion by 2017; 2) the C-27J Spartan transport aircraft, saving \$400 million by 2017; 3) 5,000 jobs from the Air National Guard, and slashing \$300 million from its budget; and 4) plans for an East Coast missile defense battery that Gen. Martin Dempsey, chairman of the Joint Chiefs of Staff, had called unnecessary, saving \$3.6 billion by 2017.

The same congressional budget cutters who call for “small” government have insured that useless military boondoggles in their districts stay big, even while providing fewer jobs per billions of dollars spent than any other sector of expenditure.

As Munson said, “If we used some of that money to feed hungry children and educate those who need it most Congressional reps might be compelled to find support among real voters and not just corporations seeking government handouts.”

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US Distorts Iranian Nuclear Rights

The U.S. government and Israel itself a rogue nuclear-armed state insist that the Non-Proliferation Treaty doesn't give Iran the right to enrich uranium for peaceful purposes. But the words of the treaty clearly say otherwise, as Flynt and Hillary Mann Leverett note.

By Flynt Leverett and Hillary Mann Leverett

Last month, while testifying to the Senate Foreign Relations Committee, Wendy Sherman, Undersecretary of State for Political Affairs and the senior U.S. representative in the P5+1 nuclear talks with Iran, said, with reference to Iranians, “We know that deception is part of the DNA.”

This statement goes beyond orientalist stereotyping; it is, in the most literal sense, racist. And it evidently was not a mere “slip of the tongue”: a former Obama administration senior official told us that Sherman has used such language before about Iranians.



Iranian President Hassan Rouhani at a press conference in Iran. (Official Iranian photo)

If a senior U.S. government official made public statements about “deception” or some other negative character trait being “part of the DNA” of Jews, people of African origin, or most other ethnic groups, that official would, rightly, be fired or forced to resign, and would probably not be allowed back into “polite society” until after multiple groveling apologies and a long period of penance.

But a senior U.S. official can make such a statement about Iranians, or almost certainly about any other ethnic group a majority of whose members are Muslim, and that’s just fine. Of course, it’s not fine. But that’s the America we live in.

Putting aside Sherman’s glaring display of anti-Iranian racism, there was another egregious manifestation of prejudice-*cum*-lie in her testimony to the Senate Foreign Relations Committee that we want to explore more fully. It came

in a response to a question from Sen. Marco Rubio, R-Florida, about whether states have a right to enrich under the Nuclear Non-Proliferation Treaty (NPT). Here is the relevant passage in Sherman's reply:

"It has always been the U.S. position that Article IV of the Nuclear Non-Proliferation Treaty does not speak about the right of enrichment at all [and] doesn't speak to enrichment, period. It simply says that you have the right to research and development."

Sherman goes on to acknowledge that "many countries such as Japan and Germany have taken that [uranium enrichment] to be a right." But, she says, "the United States does not take that position. We take the position that we look at each one of these [cases]."

Or, as she put it at the beginning of her response to Sen. Rubio, "It has *always* been the U.S. position that Article IV of the Nuclear Non-Proliferation Treaty does not speak about the right of enrichment at all" (emphasis added).

Two points should be made here. First, the claim that the NPT's Article IV does not affirm the right of non-nuclear-weapons states to pursue indigenous development of fuel-cycle capabilities, including uranium enrichment, under international safeguards is flat-out false.

Article IV makes a blanket statement that "nothing in this Treaty shall be interpreted as affecting the inalienable right of all the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination."

And it's not just "countries such as Japan and Germany", both close U.S. allies, which affirm that this includes the right of non-weapons states to enrich uranium under safeguards. The BRICS (Brazil, Russia, India, China, and South Africa) countries and the Non-Aligned Movement (whose 120 countries represent a large majority of UN members) have all clearly affirmed the right of non-nuclear-weapons states, including the Islamic Republic of Iran, to pursue indigenous safeguarded enrichment.

In fact, just four countries in the world hold that there is no right to safeguarded enrichment under the NPT: the United States, Britain, France, and Israel (which isn't even a NPT signatory). That's it.

Moreover, the right to indigenous technological development, including nuclear fuel-cycle capabilities, should a state choose to pursue them, is a *sovereign* right. It is not conferred by the NPT; the NPT's Article IV recognizes states' "inalienable right" in this regard, while other provisions bind non-weapons states that join the Treaty to exercise this right under international

safeguards.

There have been many first-rate analyses demonstrating that the right to safeguarded enrichment under the NPT is crystal clear, from the Treaty itself, from its negotiating history, and from subsequent practice, with at least a dozen non-weapons states building fuel-cycle infrastructures potentially capable of supporting weapons programs.

Bill Beeman published a nice Op-Ed in the *Huffington Post* on this question in response to Sherman's Senate Foreign Relations Committee testimony. (See [here](#) and, for a text including references, [here](#). For truly definitive legal analyses, see the work of Daniel Joyner, for example [here](#) and [here](#).)

The issue will also be dealt with in articles by Flynt Leverett and Dan Joyner in a forthcoming special issue of the *Penn State Journal of Law and International Affairs*, which should appear within the next few days.

From any objectively informed legal perspective, denying non-weapons states' right of safeguarded enrichment amounts to nothing more than a shameless effort to rewrite the NPT unilaterally. And this brings us to our second point about Sherman's Senate Foreign Relations Committee testimony.

Sherman claims that "It has always been the U.S. position that Article IV of the Nuclear Non-Proliferation Treaty does not speak about the right of enrichment at all [and] doesn't speak to enrichment, period." But, in fact, the United States originally held that the right to peaceful use recognized in the NPT's Article IV includes the indigenous development of safeguarded fuel-cycle capabilities.

In 1968, as America and the Soviet Union, the NPT's sponsors, prepared to open it for signature, the founding Director of the U.S. Arms Control and Disarmament Agency, William Foster, told the Senate Foreign Relations Committee, the same committee to which Sherman untruthfully testified last month, that the Treaty permitted non-weapons states to pursue the fuel cycle.

We quote Foster on this point: "Neither uranium enrichment nor the stockpiling of fissionable material in connection with a peaceful program would violate Article II so long as these activities were safeguarded under Article III." [Note: In Article II of the NPT, non-weapons states commit not to build or acquire nuclear weapons; in Article III, they agree to accept safeguards on the nuclear activities, "as set forth in an agreement to be negotiated and concluded with the International Atomic Energy Agency."]

Thus, it is a bald-faced lie to say that the United States has "always" held that the NPT does not recognize a right to safeguarded enrichment. As a matter of policy, the United States held that that the NPT recognized such a right even

before it was opened for signature; this continued to be the U.S. position for more than a quarter century thereafter.

It was only after the Cold War ended that the United States, along with Britain, France and Israel, decided that the NPT should be, in effect, unilaterally rewritten (by them) to constrain the diffusion of fuel-cycle capabilities to non-Western states.

And their main motive for trying to do so has been to maximize America's freedom of unilateral military initiative and, in the Middle East, that of Israel. This is the agenda for which Wendy Sherman tells falsehoods to a Congress that is all too happy to accept them.

Flynt Leverett served as a Middle East expert on George W. Bush's National Security Council staff until the Iraq War and worked previously at the State Department and at the Central Intelligence Agency. Hillary Mann Leverett was the NSC expert on Iran and from 2001 to 2003 was one of only a few U.S. diplomats authorized to negotiate with the Iranians over Afghanistan, al-Qaeda and Iraq. They are authors of *Going to Tehran*. [This article previously appeared at GoingtoTehran.com.]

Gunning Down a Boy with a Toy Gun

Exclusive: The Trayvon Martin case, in which a community watch volunteer killed an unarmed black teen-ager in a hoodie, roiled the U.S. last year. Now, a California deputy has gunned down a Latino boy carrying a toy AK-47, raising other troubling questions, as Dennis J Bernstein reports.

By Dennis J Bernstein

On Oct. 22, at 3:14 in the afternoon, 13-year-old Andy Lopez was walking to a friend's house on the outskirts of Santa Rosa, California, to return the friend's toy rifle, when two Sonoma County sheriff deputies drove up behind him in a marked police car and say they mistook the replica AK-47 for a real gun.

Sheriff's Deputy Erick Gelhaus, a training officer with 24 years experience in the department, later told investigators that he shouted at the boy to drop his "gun" and that when Lopez turned, Gelhaus feared for his life and opened fire, riddling the eighth-grader with seven bullets from a 9 mm Smith & Wesson handgun. According to the other deputy, who was driving the car and who did not open fire, the shooting was over in just a few seconds, even before he had time

to move from behind the wheel and take cover behind his door.

The legal question in the aftermath of the slaying is whether Gelhaus, a master marksman and former military trainer in Iraq, reacted rashly without giving Lopez any reasonable chance to respond to the police order and without properly assessing the actual danger of the situation from his position behind his door of the patrol car.

The slaying also has raised questions about blowback from the U.S. wars in Iraq and Afghanistan where American soldiers often find themselves in dangerous surroundings and develop a tendency to open fire at the first hint of a threat. Now, some of those veterans are returning to jobs in domestic law enforcement sometimes without adequate counseling or screening before they begin patrolling city streets.

The Latino, Chicano and indigenous communities in and around Santa Rosa are still reeling from the slaying, but have moved from mourning at a mass funeral to various actions, demanding justice for the killing. Many see the case as another example of profiling a brown-skinned youth in a hoodie as somehow dangerous and deserving of a shoot-first-and-ask-questions-later response. Almost every day since the killing, there has been some kind of protest, vigil or community meeting.

As details about the shooter and the shooting accumulate, alarm in the community has grown. Signs posted around a makeshift memorial for the popular eighth-grader, who was a member of the school band, read: "Sheriff Wanted for Murder" and "A good cop wouldn't have shot."

Gelhaus, 48, is assigned to the patrol division as well as being a senior firearms instructor. Before that, he was part of a gang enforcement team. He and the unnamed deputy who was driving the patrol car are now on administrative leave.

The Shooter

But Eric Gelhaus is a lot more than your typical deputy on the beat. He is a seasoned weapons expert, firearms instructor, veteran trainer in the Sheriff's Department, and a range master with extensive training in firearms. He also served in Iraq as a combat leader and a weapons trainer.

According to his own bio, Gelhaus was an infantry non-commissioned officer in the California National Guard: "My assignments included operations assistant for a 600+ soldier unit, small arms trainer, and squad leader during a combat employment. While in Iraq, in addition to supervising a heavy weapons squad and being responsible for the soldiers and the equipment, I testified in Iraq courts

during the prosecution of insurgents.”

Gelhaus is also an adjunct instructor for various gun-training centers, among them, the Arizona-based Gunsite Academy that provides extensive weapons training for law-enforcement as well as “free citizens of the US” and has close ties to the National Rifle Association and various gun manufacturers. Gelhaus’s LinkedIn page notes that he worked for Aimpoint, a company that develops new technology for a whole assortment of firearms.

Besides his training and other gun expertise, Gelhaus is a columnist and contributor to S.W.A.T Magazine and various other gun-culture forums that deal with the use of deadly force by police. He described his work with law enforcement as a “Contact sport.”

In a 2008 column, entitled “Ambush Reaction in the Kill Zone,” Gelhaus reflected on the need to possess the “mean gene” to survive in “the kill zone,” adding that “Today is the day you may need to kill someone to go home. If you cannot turn on the Mean Gene for yourself, who will?”

Acting as a moderator for “The Firing Line,” an online forum for gun enthusiasts, sponsored by S.W.A.T Magazine, Gelhaus, in his own name, reflected on all aspects having to do with the owning and use of guns including the use of force if someone fires a BB gun at another person.

Whether Gelhaus will ever have to answer any hard questions as to whether he was trigger-happy when he cut down an eighth-grader with a toy gun in the middle of the afternoon is already in doubt. Given his extensive relationship with the military and his position as a senior police trainer, Gelhaus may be very well insulated.

In the initial stages of the investigation, it was announced that the Federal Bureau of Investigation (FBI) would be conducting a thorough and independent probe to see if there was cause for federal civil rights charges to be filed.

On Oct. 25, three days after the slaying, FBI spokesman Peter Lee told local reporters that the Bureau had begun a “shooting review,” calling the incident “a civil-rights type of case.” But last week, Lee was non-committal and said nothing about any kind of independent investigation that the FBI would do.

According to the Press Democrat in Santa Rosa, Lee “refused multiple queries to describe what exactly agents would be doing in Sonoma County, or whether they would be truly autonomous or working side-by-side with local police or even conducting their own interviews with the deputies involved and witnesses.”

Indications were that local officials would head up at least the initial

investigation. "My understanding is simply that [FBI officials are] here for support but not actively engaged in an investigation," said Santa Rosa District Attorney Jill Ravish. "The only investigations currently occurring are the sheriff's review for their own internal affairs and the criminal investigation being conducted by the Santa Rosa Police Department."

A Difficult Case

Senior officials in the Sonoma County Sheriff's Department have described Gelhaus as a "solid employee" with "a lot of credibility in the department," according to local news reports. Gelhaus has testified as an expert on narcotics trafficking and gang-related activities. According to law enforcement records, Gelhaus has never killed anyone before in his capacity as a Sheriff's deputy.

But there were some warning signs in his record. According to local press reports, Gelhaus got into a scuffle with a couple of minors in 1997 and apparently battered them with a flashlight. But a jury later found that Gelhaus and the Sheriff's Office were not liable in a civil lawsuit alleging excessive force against the two minors, Karla and Israel Salazar.

Legal experts say it is rare for a police officer to be charged criminally in a shooting when a claim can be made about a life-threatening situation, even when the threat turns out to be non-existent. A greater legal opening can be available to victims and their families in civil actions claiming wrongful injury or death.

On Monday, the attorney for the Lopez family, Arnolando Casillas, announced that the Lopez family had filed three separate wrongful death claims, seeking damages against Gelhaus and the Sonoma County Sheriff's Department.

Casillas said the lawsuit, filed in Federal Court in the Northern District of California, alleges that "without cause or provocation, Erick Gelhaus shot and killed Andy Lopez on October 22, 2013, as he walked along a rural residential neighborhood sidewalk. The shooting was absolutely unjustified and its plaintiffs' goal here is to show that the killing of Andy Lopez was a senseless and unwarranted act of police abuse."

Casillas said he did not wait to file the lawsuit because it appears that the Sheriff's Department is already involved in a cover-up, trying to withhold crucial information from the public, and suggesting in various ways that the killing of Lopez was justified. Casillas said Gelhaus acted in a "super reckless way with no regard for public's safety. He unloaded his gun in a public area in an uncontrolled way."

The lawsuit states that Lopez was unarmed and posed no risk or threat to the

deputies or others and was shot without cause or provocation, a overzealous use of force condoned by the Sheriff's Office.

"The Sheriff's Department's training encourages deputies to prematurely shoot suspects who pose no threat or danger to deputies or the public at large," the lawsuit states. It also alleges that the Sheriff's Office failed to create and implement policies and training to set out clear guidelines for the use of deadly force and proper tactics for pedestrian stops.

Lopez's parents of the slain child were at the press conference and were asked what they wanted in terms of justice for their slain son. The mother, who is undocumented along with her husband, noted that their son was a full citizen of the United States.

"Me and my husband came to this country for a better life and to raise a family in the riches and most powerful country on earth," Lopez's mother said. "We were attracted by its freedom and justice and equality. We raised our family believing this, and now I have to live with the death of my son forever and that's never going to go away and no money can replace him or cure the pain."

Murder Charge?

At an Oct. 29 protest against the killing in Santa Rosa, I spoke to civil rights and human rights attorney John Burris, who has specialized in police shootings particularly in communities of color. Burris said he believes the slaying of Lopez was an "unlawful police shooting" and that Gelhaus should be prosecuted under some type of murder charge.

"What is alleged to happen is that Andy was walking down the street with what appeared to be an AK-47 in his hand. The police come up behind him, jump out of the car and say, 'Drop it.' When he doesn't comply right away, but turns back to look, I imagine, he was shot numerous times by one officer hitting him on his back side three or four times, and on his side three or four times."

Burris continued, "Certainly, from my perspective, this was an unlawful shooting. This young man was walking. There were no reports of a man with a gun. There were no reports of any illegal activity. The officers pull up behind him, not on the side or in front. They immediately jump out and tell him to drop the gun.

"The problem with that, of course, is the young man didn't have a gun, so he wouldn't have known if the police were talking to him or not. When he finally turns around, he was immediately shot, with no opportunity to make any statements, to tell them it wasn't a gun. He was immediately fired upon, which was an overreaction on the part of the police.

"The worst part is the police officers, both of them, were in a position of safety," Burris added. "They jumped out of their car, stayed behind the doors, in a position with a hard object, and could have had some communication with this kid as he was turning around, such as what was he doing, why was he there, what did he have in his hands. But they did not. So within 10 seconds of stopping him, this young man was shot to death

"It was excessive from my point of view, just thinking about [Gelhaus] firing his gun in rapid succession, particularly because it was without knowing, a supposition, basically an overreaction, making an assumption based on facts that he did not have.

"A military person, trained marksmen, knows how to shoot his weapon, but he also knows about cover, and this is the part that is most disturbing to me. He was in a position of cover, which would have given him ample opportunity to react and talk to this young man before he fired his gun. He said that the gun looked like an AK-47, but there was some different color on it.

"The officer never, ever had an opportunity to view this particular weapon because he approached the person from behind. He saw what might have been a weapon, but he did not see it, and more importantly, the kid did not react to him as if he had a weapon. So there are many conditions that would suggest this officer overreacted.

"The question is whether an objective reasonable police officer would have reacted the same way, or would he have used other tactics, which clearly were available."

Burris suggested that the shooter could be prosecuted at "two levels that make sense to me. Second degree murder, which is a reckless disregard for human life or involuntary manslaughter, which is a negligent act on his part, either from the manner in which he was stopped or the manner in which he reacted to the events."

Community Protests

At a mass march and rally in front of the Sonoma County's Sheriffs Department on Oct. 29, community members, teachers, students, activists spoke out against the shooting, and one after another called for justice for Andy Lopez. There were tears, laments, and cries for justice

"Why did they kill our friend, he was so beautiful and funny and now he has been taken away from us," said one 13-year-old Latino girl at a memorial service. Another young girl standing right next to her with tears in her eyes said, "He was the sweetest kid you will ever see. We really miss him. and they don't even

apologize, they just sent more sheriffs and more police and more guns to scare us kids.”

Nell, a classmate of Lopez, said, “Andy was our friend. The family is very devastated. I want to tell the cop who killed Andy that it wasn’t fair. He was just a kid.”

Another young schoolmate said, “I have smaller siblings so I wouldn’t want that to happen to them. I miss him so much. It’s not right for a cop to do that seven times to a 13-year-old. We don’t want that to keep on happening. I’m 14. Yeah I knew him a lot. He was a great kid, He played instruments, and he did sports.”

Also at the protest, many parents protested alongside their kids. One parent, Christina, would only give her first name, held her daughter close, as she said, on the verge of tears, “I’m a parent and I’m upset by the 13-year-old boy got shot. With 7 shots. I have a daughter who’s 13 and it is just unfair and I want to know why.”

Miguel Gavilan Molina, a former farmworker from Santa Rosa who worked with Cesar Chavez, spoke to the students, declaring: “we know that peace and unity will triumph over violence and hatred. But it is time for the militarized, heavily armed police and sheriffs to stop coming into our neighborhood and killing out children.”

Molina told me later that this is a “new day” in a California, where brown folks are “rising up for their rights with a new militancy as the new majority. We are the new majority, and we are feeling our power, especially with the passage of recent legislation such as the Trust Act, and the Domestic Workers Bill of Rights.

“All these brown kids you see in the street today, were in baby carriages ten years ago, as their parents began this struggle. And as you can see today, these kids are no longer willing to just stand by and let one of their own be cut down.”

As Molina spoke, there were police helicopters in the air and fully armed and heavily equipped sharpshooters peering down from the roof of the Sheriff’s Department. There was also an armored personnel carrier nearby.

Michael Rothenberg, a local poet and activist, is working with a small group of community people who are helping the Lopez family navigate the various aspects of the massive outpouring from the community, as well as helping them communicate with the lawyers, the public and law enforcement in the aftermath of the killing.

"It was murder," Rothenberg said in a written statement, "Sheriff deputies shot and killed 13-year-old Andy Lopez for carrying a toy gun. A cop who fancied himself, promoted himself, as an expert and skilled killer took only seconds to come to a judgment on the life of Andy Lopez. He assassinated an innocent child. We can never have real peace unless the police are held responsible for their crimes against the community."

Dennis J Bernstein is a host of "Flashpoints" on the Pacifica radio network and the author of *Special Ed: Voices from a Hidden Classroom*.
