Obama’s Sub-Prime Conflict

From the Archive: President Obama has nominated Hyatt Hotels heiress Penny Pritzker to be the next Commerce Secretary. Pritzker, also a major fundraiser for Obama's two presidential campaigns, faced controversy because of her role in the sub-prime mortgage disaster, as Dennis J. Bernstein reported in 2008.

By Dennis J. Bernstein (Originally published Feb. 28, 2008)

I remember my first piggy bank: a little pink piggy made of plastic with a little slot at the top. The slot was big enough, perhaps, to fit a half dollar, a great deal of money to me at the time. “A penny earned is a penny saved,” my father told me, as we dropped the first few coins into the opening, and I heard them hit bottom and bounce.

And I can’t tell you how excited I was when we broke it open, after a year or so, and I couldn't fit another penny into the slot. I tallied up my stash, close to five dollars, I recall, and decided what I would do with my small fortune. I bought a kite, and my imagination soared even higher than my beautiful Chinese box-kite as to what I would save up for next.

My pop gave me a powerful push in the right direction, when it came to savings: A penny saved really was a penny earned. Unfortunately, this wasn’t the case for the 1,406 people who lost much of their life savings when Superior Bank of Chicago went belly up in 2001 with over $1 billion in insured and uninsured deposits.

This collapse came amid harsh criticism of how Superior’s owners promoted sub-prime home mortgages. As part of a settlement, the owners paid $100 million and agreed to pay another $335 million over 15 years at no interest. The uninsured depositors were dealt another blow when the U.S. Supreme Court let stand a lower court decision to put any recovered money toward the debt that the bank owners owe the federal government before the depositors get anything.

But this bank failure had relevance in another way [in 2008] because the chair of Superior’s board for five years was Penny Pritzker, a member of one of America’s richest families and the Finance Chair for the 2008 presidential campaign of Barack Obama, the same candidate who has lashed out against predatory lending.

During a campaign stop in south Texas, Obama met with San Antonio-area residents who had been particularly hard hit by the sub-prime meltdown. He expressed dismay over how lobbyists for the sub-prime lending industry had spent more than
$185 million in the last several years for their cause.

“To give you a sense of what that kind of lobbying gets you,” Obama said, a “CEO of the largest sub-prime lender was promised a $100-million severance package at a time when more than two million Americans were facing foreclosure, including nearly 14,000 right here in San Antonio.”

Though Superior Bank collapsed years before the 2008 sub-prime turmoil that rocked the world’s financial markets and pushed millions of homeowners toward foreclosure some banking experts say the Pritzkers and Superior hold a special place in the history of the sub-prime fiasco.

“The [sub-prime] financial engineering that created the Wall Street meltdown was developed by the Pritzkers and Ernst and Young, working with Merrill Lynch to sell bonds securitized by sub-prime mortgages,” Timothy J. Anderson, a whistleblower on financial and bank fraud, told me in an interview.

“The sub-prime mortgages,” Anderson said, “were provided to Merrill Lynch, by a nationwide Pritzker origination system, using Superior as the cash cow, with many millions in FDIC insured deposits. Superior’s owners were to sub-prime lending, what Michael Milken was to junk bonds.”

In other words, if you traced the sub-prime crisis of 2008 back to its origins, you would come upon the role of the Pritzkers and Superior Bank of Chicago.

**One Failure to the Next**

Superior was founded at the tail end of 1988 in the wake of the failed Lyons Savings Bank. The Feds were trying to keep a lid on the magnitude of the S&L post-deregulation crisis and were selling failed or failing thrifts for a song, along with a lucrative package of special benefits.

Chicago’s billionaire Pritzker family and their partners bought Lyons Savings for a quite reasonable $42.5 million, but were also given $645 million in tax credits. The kicker was that the buyers only had to come up with $1 million in cash, and got access to the $645 million, and all the bank’s deposits insured by the Federal Savings and Loan Insurance Corporation (FSLIC).

The Pritzker family’s Superior Bank “started life with enormous tax benefits and a substantial amount of FSLIC-guaranteed assets under a FSLIC assistance agreement,” said financial consultant Bert Ely in an Oct. 16, 2001, statement before the U.S. Senate Committee on Banking, Housing and Urban Affairs.

Ely stated, “Superior’s trick, or business plan” under Penny Pritzker’s leadership was apparently “to concentrate on sub-prime lending, principally on
home mortgages, but for a while in sub-prime auto lending, too.” In December 1992, the Pritzkers acquired Alliance Funding, a wholesale mortgage organization.

In a 2002 article in In These Times about Superior Bank’s collapse, business writer David Moberg reported that the bank’s operations were “tainted with the hallmarks of a mini-Enron scandal. And yet the bank’s owners, members of one of America’s wealthiest families, ultimately could end up profiting from the bank’s collapse, while many of Superior’s borrowers and depositors suffer financial losses.”

Moberg wrote that “the Superior story has a familiar ring. Using a variety of shell companies and complex financial gimmicks, Superior’s managers and owners exaggerated the profits and financial soundness of the bank. While the company actually lost money throughout most of the ‘90s, publicly it appeared to be growing remarkably fast and making unusually large profits.

“Under that cover, the floundering enterprise paid its owners huge dividends and provided them favorable loans and other financial deals deemed illegal by federal investigators. Superior’s outside auditor, which doubled as a financial consultant, engaged in dubious accounting practices that kept feckless regulators at bay.

“Many individuals, disproportionately low-income and minority borrowers with spotty credit records, had apparently been exploited through predatory-lending techniques, including exorbitant fees, inadequate disclosure and high interest rates.”


Banking whistleblower Anderson noted that “Superior failed at a time of historically low interest rates, high employment, a strong economy, and a growing housing market. There was no reason for it to fail unless you consider gross negligence, a flawed business plan, and a conspiracy to deceive the regulators who were clearly asleep and were negligent themselves in their duties of protecting the class of underinsured depositors.”

**Pioneering Work**

Anderson said the bank owners and board members used Superior for their
pioneering work in sub-prime lending, developing the financial instruments that helped set the stage for the current sub-prime meltdown.

“The Pritzkers like to say they did sub-prime lending to help the disadvantaged get into the home equity business, [but] it would be more accurate to state they ran a very large nationwide predatory lending operation,” Anderson said, citing criticism of Superior’s lending predatory practices in a letter written to the Office of Thrift Supervision on July 3, 2002, by the National Community Reinvestment Coalition, an association of more than 600 community-based organizations that promote access to basic banking services.

As an owner and board chair of Superior, Penny Pritzker also was named in a RICO class action suit on behalf of the more than 1,400 depositors at Superior, who initially lost over $50 million of their life savings.

“This is a story of two Americas with two sets of laws, one for the rich and powerful and another for the rest of us,” said Clint Krislov, the depositors’ attorney, in an interview. “My clients will all be dead, before they get back their money, given the Supreme Court’s recent decision to uphold the lower court, which put the predatory owners on the front of the line, if any money is recovered.”

The Pritzkers arrayed a powerful and well-connected legal team including former President Bill Clinton’s impeachment lawyer Lanny Davis, two ex-comptrollers of the currency, and two former General Counsels to the FDIC, the American Banker Magazine reported.

Given the political sensitivity of the sub-prime mortgage crisis, Anderson said he believes Penny Pritzker should have resigned her post as Obama’s Finance Chair, the person who oversaw the campaign’s fundraising. Otherwise, Anderson said, Pritzker’s presence could undercut Obama’s credibility on the issue of predatory lending and create a possible conflict of interest if Obama is elected President and tries to crack down on sub-prime abuses.

Obama campaign spokesman Tommy Vietor had no comment about the controversy surrounding Pritzker, but added: “Barack Obama has already made it very clear that he’s going to crack down on fraudulent brokers and lenders.”

One might wonder why Hillary Clinton’s campaign didn’t jumped on this issue. Maybe it was because Penny’s little brother, J.B. Pritzker, was a mover and shaker in the Clinton campaign. In May of 2007, Jay Robert, aka, (J.B.) Pritzker, threw his support behind Hillary Clinton, representing a coup for her campaign by wresting the billionaire out of Obama’s home town of Chicago, and better still, the brother of Obama’s Campaign Finance Chair.
[On Thursday, President Obama nominated Penny Pritzker, who was also co-chair of his reelection campaign in 2012, to be the next Commerce Secretary. In announcing her appointment, Obama hailed Pritzker as “one of the country’s most distinguished business leaders” with more than 25 years experience in the fields of real estate, finance and the hospitality industry.]

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An Excuse for Syrian ‘Regime Change’?

Across Official Washington including the neocon Washington Post and “liberal” MSNBC pundits are demanding U.S. intervention in the Syrian civil war. But the furor over alleged use of chemical weapons represents just the latest dubious argument for regime change, says ex-CIA analyst Paul R. Pillar.

By Paul R. Pillar

Once again people are getting spun up over elusive details about what a Middle Eastern regime is or is not doing regarding unconventional weapons. Participants in public debates over policy get seized with questions such as the significance of a soil sample or whether certain victims of Syria’s civil war had dilated pupils.

People wait with bated breath on whatever else intelligence can tell us about such things. It is as if the wisdom, or lack of it, of intervening in that civil war hinges on whether a particular regime has made use, however small, of a particular category of weapon. It doesn’t.

Much has been said about avoiding mistakes that were made over a decade ago in leading up to the Iraq War. Certainly we should try to avoid repeating mistakes. But the biggest mistake that is being made now, and repeats a fundamental mistake in the public discourse prior to the Iraq War, is not an interpretation of evidence regarding somebody’s unconventional weapons but instead is the false equating of an empirical question about weapons with the policy question of whether launching, or intervening in, a particular war makes sense.

Whether Saddam Hussein did or did not have WMD turned out to be one of the less important realities about the Iraq War. Even if everything that was said on this subject to sell the war turned out to be true, the human and material cost of
the war would have been just as great (maybe even greater, if Saddam’s forces had possessed and used such weapons), the post-Saddam political and security situation in Iraq would have been just as much of a mess, and launching the war still would have been a blunder.

In Syria today, whether any chemical weapons have been used does not inform us that the Assad regime has a brutal streak; we already knew that. Nor does it tell us that many Syrians are suffering in this civil war; we already knew that, too, and the suffering does not depend on any use of unconventional weapons.

Most important for the policy question facing the United States, facts about chemical weapons use would tell us essentially nothing about the net effect of various forms of external intervention in the civil war, the likely course of the war with or without intervention, and possible political futures of Syria.

There is another parallel between today’s debate about Syria and the counterpart discourse before the Iraq War. In each case the issue of unconventional weapons has been used as a convenient selling point by those favoring involvement in a war for other reasons.

With Iraq, the WMD question was only, as later acknowledged by Paul Wolfowitz, a convenient topic that could be agreed upon by those who might disagree about other matters. With Syria, most of the current agitation is coming not from longstanding chemical-weapons-control enthusiasts but instead from those who had already been agitating for intervention on other grounds.

The agitators on Syria have been aided by President Barack Obama’s unwise earlier declaration about how use of chemical weapons by the Syrian regime would be a “game-changer.” Perhaps the President said this to help fend off the pro-intervention pressure he already was feeling at the time. If so, the remark was a short-sighted tactic. It opened the way for pro-interventionists to argue that U.S. credibility will be harmed if it does not now intervene in Syria.

That argument is also a familiar one associated with mistakes of the past. It also is invalid, as a matter of how people and governments actually assess the credibility of other governments. The argument was at the center, not just as a public selling point, but as a matter of genuine belief by policy-makers, of the decision to intervene in Vietnam in the mid-1960s. That war also was a blunder.

One might think, based on the current chemically-fueled commentary about Syria, that the ranks of the policy elite in Washington are filled with arms control aficionados whose fondest cause is to eliminate the scourge of unconventional weapons from the Middle East. Anyone who thinks that can be jolted back to reality by Egypt, which this week announced that it was pulling out of an
ongoing review conference on the Nuclear Nonproliferation Treaty to protest the continued inaction on a resolution dating back to 1995 that calls for establishment of a nuclear weapons-free zone in the Middle East.

That proposal was later expanded to envision a WMD-free zone in the Middle East, to include chemical and other unconventional weapons as well as nuclear ones. A conference, arranged under the leadership of a senior Finnish diplomat, was set to convene last December to discuss the proposal. But Israel refused to attend, and so the United States said it wouldn’t go either, and the conference was called off. One barely heard a peep about that in the United States.

The country that balked, Israel, is of course the only Middle Eastern owner of nuclear weapons. That’s nuclear weapons, which really are weapons of mass destruction, unlike chemical weapons, which aren’t. In fact, the Israeli arsenal is so potent it is the only one that poses an existential threat to any other country in the region (and specifically to Iran).

U.S. policy, and American discussion of policy, about unconventional weapons in the Middle East have long been riddled with inconsistency. Nuclear weapons are perceived where they don’t exist, and ignored where they do. The hyperventilation about possible use of chemical weapons in Syria is in the same tradition of inconsistency.

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Hypocrisy Over Iran’s Nuclear Program

In recent decades, the U.S. government and news media have treated international law as a matter of convenience and hypocrisy, applying rules self-righteously when they’re useful and ignoring them when a hindrance. The dispute over Iran’s nuclear program is a case in point, as Flynt and Hillary Mann Leverett explain.

By Flynt Leverett and Hillary Mann Leverett

The controversy over Iran’s nuclear activities has at least as much to do with the future of international order as it does with nonproliferation. For this reason, all of the BRICS countries [Brazil, Russia, India, China and South Africa] have much at stake in how the Iranian nuclear issue is handled.
Conflict over Iran's nuclear program is driven by two different approaches to interpreting the **Nuclear Non-Proliferation Treaty** (NPT); these approaches, in turn, are rooted in different conceptions of international order.

Which interpretation of the NPT ultimately prevails on the Iranian nuclear issue will go a long way to determine whether a rules-based view of international order gains ascendancy over a policy-oriented approach in which the goals of international policy are defined mainly by America and its partners. And that will go a long way to determine whether rising non-Western states emerge as true power centers in a multipolar world, or whether they continue, in important ways, to be subordinated to hegemonic preferences of the West, and especially the United States.

The NPT is appropriately understood as a set of three bargains among signatories: non-weapons states commit not to obtain nuclear weapons; countries recognized as weapons states (America, Russia, Britain, France, and China) commit to nuclear disarmament; and all parties agree that signatories have an “inalienable right” to use nuclear technology for peaceful purposes. One approach to interpreting the NPT gives these bargains equal standing; the other holds that the goal of nonproliferation trumps the other two.

There have long been strains between weapons states and non-weapons states over nuclear powers’ poor compliance with their commitment to disarm. Today, though, disputes about NPT interpretation are particularly acute over perceived tensions between blocking nuclear proliferation and enabling peaceful use of nuclear technology.

This is especially so for fuel-cycle technology, the ultimate “dual use” capability, for the same material that fuels power, medical and research reactors can, at higher levels of fissile isotope concentration, be used in nuclear bombs. The dispute is engaged most immediately over whether Iran, as a non-weapons party to the NPT, has a right to enrich uranium under international safeguards.

For those holding that the NPT’s three bargains have equal standing, Tehran’s right to enrich is clear, from the NPT itself, its negotiating history and decades of state practice, with at least a dozen states having developed safeguarded fuel cycle infrastructures potentially able to support a weapons program. On this basis, the diplomatic solution is also clear: Western recognition of Iran’s nuclear rights in return for greater transparency through more intrusive verification and monitoring.

Those recognizing Iran’s nuclear rights take what international lawyers call a
“positivist” view of global order, whereby the rules of international relations are created through the consent of independent sovereign states and are to be interpreted narrowly. Such a rules-based approach is strongly favored by non-Western states, including BRICS, for it is the only way international rules might constrain established powers as well as rising powers and the less powerful.

Those who believe nonproliferation trumps the NPT’s other goals claim that there is no treaty-based “right” to enrich, and that weapons states and others with nuclear industries should decide which non-weapons states can possess fuel-cycle technologies.

From these premises, the George W. Bush administration sought a worldwide ban on transferring fuel-cycle technologies to countries not already possessing them. Since this effort failed, Washington has pushed the Nuclear Suppliers’ Group to make such transfers conditional on recipients’ acceptance of the Additional Protocol to the NPT, an instrument devised at U.S. instigation in the 1990s to enable more intrusive and proactive inspections in non-weapons states.

America has pressed the UN Security Council to adopt resolutions telling Tehran to suspend enrichment, even though it is part of Iran’s “inalienable right” to peaceful use of nuclear technology; such resolutions violate UN Charter provisions that the Council act “in accordance with the purposes and principles of the United Nations” and “with the present charter.”

The Obama administration has also defined its preferred diplomatic outcome and, with Britain and France, imposed it on the P5+1: Iran must promptly stop enriching at the near 20 percent level to fuel its sole (and safeguarded) research reactor; it must then comply with Security Council calls to cease all enrichment.

U.S. officials say Iran might be “allowed” a circumscribed enrichment program, after suspending for a decade or more, but London and Paris insist that “zero enrichment” is the only acceptable long-term outcome.

Those asserting that Iran has no right to enrich, America, Britain, France and Israel, take a policy- or results-oriented view of international order. In this view, what matters in responding to international challenges are the goals motivating states to create particular rules in the first place, not the rules themselves, but the goals underlying them.

This approach also ascribes a special role in interpreting rules to the most powerful states, those with the resources and willingness to act in order to enforce the rules. Unsurprisingly, this approach is favored by established
Western powers, above all, by the United States.

All of the BRICS have, in various ways, pushed back against a de facto unilateral rewriting of the NPT by America and its European partners. Since abandoning nuclear-weapons programs during democratization and joining the NPT, Brazil and South Africa have staunchly defended non-weapons states’ right to peaceful use of nuclear technology, including enrichment.

With Argentina, they resisted U.S. efforts to make transfers of fuel-cycle technology contingent on accepting the Additional Protocol (which Brazil has refused to sign), ultimately forcing Washington to compromise. With Turkey, Brazil brokered the Tehran Declaration in May 2010, whereby Iran accepted U.S. terms that it swap most of its then stockpile of enriched uranium for new fuel for its research reactor. But the Declaration openly recognized Iran’s right to enrich; for this reason, the Obama administration rejected it.

The recently concluded 5th BRICS Summit in Durban saw a joint declaration that referred to the official BRICS position on Iran: “We believe there is no alternative to a negotiated solution to the Iranian nuclear issue. We recognize Iran’s right to peaceful uses of nuclear energy consistent with its international obligations, and support resolution of the issues involved through political and diplomatic means and dialogue.”

At the same time, the BRICS have all, to varying degrees, accommodated Washington on the Iranian issue. Russian and Chinese officials acknowledge there will be no diplomatic solution absent Western recognition of Tehran’s nuclear rights. Yet China and Russia endorsed all six Security Council resolutions requiring Iran to suspend enrichment.

Beijing and Moscow did so partly to keep America in the Council with the issue, where they can exert ongoing influence, and restraint, over Washington; at their insistence, the resolutions state explicitly that none of them can be construed as authorizing the use of force against Iran. Still, they acquiesced to resolutions that make a diplomatic settlement harder and that contradict a truly rules-based model of international order.

Russia, China and the other BRICS have also accommodated Washington’s increasing reliance on the threatened imposition of “secondary” sanctions against third-country entities doing business with the Islamic Republic. Such measures violate U.S. commitments under the World Trade Organization, which allows members to cut trade with states they deem national security threats but not to sanction other members over lawful business with third countries.

If challenged on this in the WTO’s Dispute Resolution Mechanism, America would
surely lose; for this reason, U.S. administrations have been reluctant actually to impose secondary sanctions on non-U.S. entities transacting with Iran.

Nevertheless, companies, banks, and even governments in all of the BRICS have cut back on their Iranian transactions, feeding American elites’ sense that, notwithstanding their illegality, secondary sanctions help leverage non-Western states’ compliance with Washington’s policy preferences and vision of (U.S.-dominated) world order.

If the BRICS want to move decisively from a still relatively unipolar world to a genuinely multipolar world, they will, at some point, have to call Washington’s bluff on Iran-related secondary sanctions. They will also have to accelerate the development of alternatives to U.S.-dominated mechanisms for conducting and settling international transactions, a project to which the proposed new BRICS bank could contribute significantly.

Finally, they will need to be more willing to oppose, openly, America’s efforts to unilaterally rewrite international law and hijack international institutions for its own hegemonic purposes. By doing so, they will underscore that the United States ultimately isolates itself by acting as a flailing, and failing, imperial power.

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The Long Shadow of Auschwitz

Before his execution by hanging in 1947, Auschwitz commander Rudolf Hoess confessed to his role in the industrialized slaughter of millions of Jews and other “enemies” of Hitler’s Third Reich. But Hoess’s guilt while extraordinary in its numbers extends to all leaders who carelessly choose war, Gary G. Kohls
By Gary G. Kohls

The ending of my last column was the powerful Thomas Merton prose poem that gave voice to the infamous international war criminal, the Commandant of Auschwitz, Rudolf Hoess. Merton has Hoess speaking from the gallows with a haunting accusation directed at history’s pro-war presidents, monarchs, dictators, prime ministers and assorted politicians who know that wars always involve the mass murder of defenseless civilians (euphemistically known as “collateral damage”).

The self-admitted war criminal Hoess accuses of war crimes every commanding officer who has ever ordered lethal bombings or artillery attacks that inevitably involve innocent non-combatants. That also would apply in modern times to the U.S. policy of extra-judicial assassinations of suspected “terrorists” by drone warfare as well as to every Apache helicopter crew (and their commanders) who targeted “suspects” in Iraq and Afghanistan. [See the horrifying war crime “collateral murder” video courageously made available to the public by Bradley Manning and WikiLeaks at: http://www.youtube.com/watch?v=5rXPrfnU3G0.]

Hoess seems to be accusing every combat platoon that has ever blindly participated in night raids or mortar attacks in areas where civilians are known to be present. Merton has Hoess say, “Do not think yourself better because you burn friends and enemies with long-range missiles without ever seeing what you have done.”

Merton also accuses the war-profiteering industrialists that bid for the jobs of designing, manufacturing and equipping the camps with increasingly efficient extermination machinery. German ingenuity in action.

Merton’s poem contains actual quotes from some of the documents that were found after World War II had ended. The innovative SS Lt. Col. Hoess was proud of and well rewarded for – his part in improving the craft of high-tech, industrial-strength mass murder.

He said: “Another improvement we made over Treblinka was that we built our gas chamber to accommodate 2,000 people at one time whereas at Treblinka their 10 gas chambers only accommodated 200 people each.

“The way we selected our victims was as follows: We had two SS doctors on duty at Auschwitz to examine the incoming transports of prisoners. The prisoners would be marched by one of the doctors who would make spot decisions as they walked by. Those who were fit for work were sent into the camp. Others were sent
immediately to the extermination plants. Children of tender years were invariably exterminated since by reason of their youth they were unable to work.

“Still another improvement we made over Treblinka was that at Treblinka the victims almost always knew that they were to be exterminated and at Auschwitz we endeavored to fool the victims into thinking that they were to go through a delousing process. Of course, frequently they realized our true intentions and we sometimes had riots and difficulties due to that fact.

“Very frequently women would hide their children under the clothes, but of course when we found them we would send the children in to be exterminated. We were required to carry out these exterminations in secrecy but of course the foul and nauseating stench from the continuous burning of bodies permeated the entire area and all of the people living in the surrounding communities knew that exterminations were going on at Auschwitz.”

Hoess and others among the Nazi hierarchy had noticed the terrible psychiatric toll (alcoholism, depression, suicide, etc) that the up-close and personal massacres were having on the common soldiers who reflexively obeyed the illegal orders to kill noncombatants. The decidedly less personal killing methods of starvation, shellings, bombings and gassing was far less traumatizing to the soldiers who were there at the end of the chain of command.

Hoess was hanged in 1947 for his role in the deaths of 3 million people at Auschwitz during his 3½ years (May 1940 to December 1943) as the camp’s commandant. In a postwar affidavit (April 1946), Hoess confesses to his crimes:

“I commanded Auschwitz until 1 December 1943, and estimate that at least 2,500,000 victims were executed and exterminated there by gassing and burning, and at least another half million succumbed to starvation and disease, making a total dead of about 3,000,000. This figure represents about 70% or 80% of all persons sent to Auschwitz as prisoners, the remainder having been selected and used for slave labor in the concentration camp industries.

“Included among the executed and burnt were approximately 20,000 Russian prisoners of war (previously screened out of Prisoner of War cages by the Gestapo) who were delivered at Auschwitz in Wehrmacht transports operated by regular Wehrmacht officers and men. The remainder of the total number of victims included about 100,000 German Jews, and great numbers of citizens (mostly Jewish) from Holland, France, Belgium, Poland, Hungary, Czechoslovakia, Greece, or other countries. We executed about 400,000 Hungarian Jews alone at Auschwitz in the summer of 1944.

“It took from 3 to 15 minutes to kill the people in the death chamber depending
upon climatic conditions. We knew when the people were dead because their screaming stopped.

“These so-called ill-treatments and this torturing in concentration camps, stories of which were spread everywhere among the people, and later by the prisoners that were liberated by the occupying armies, were not, as assumed, inflicted methodically, but were excesses committed by individual leaders, sub-leaders, and men who laid violent hands on internees.”

In his autobiography, written while he was awaiting his war crimes trial, Hoess wrote: “I want to emphasize that I personally never hated the Jews. I considered them to be the enemy of our nation. However, that was precisely the reason to treat them the same way as the other prisoners. Besides, the feeling of hatred is not in me. It is tragic that, although I was by nature gentle, good-natured, and very helpful, I became the greatest destroyer of human beings who carried out every order to exterminate people no matter what.”

The Willingness to Kill

One has to ask out loud, given the fact that Germany was an overwhelmingly Christian nation: What kind of Christianity was it that justified, contrary to the teachings of Jesus, cruelty in parenting, hateful attitudes toward the “other,” and the justification of the organized mass slaughter of war? What kind of Christian leadership was it that did not stand up and courageously and prophetically say “NO” to its nation’s manufacture and stockpiling of (and its willingness to use) weapons of mass destruction whose only purpose is to kill humans and scorch the earth?

From where in the human soul comes the willingness to kill, wound, torture, enslave or starve another human or even cooperate with the evils of state-sponsored homicide or genocide, whether your militarized nation is fascist Germany or “democratic” America?

Harshness in childrearing is one of the realities that can easily result in the willingness to obey illegal orders to kill. Rudolf Hoess was a victim of cruelty in childrearing, a violent, xenophobic culture, a vicious anti-Semitism and an aberrant form of Christianity that was silent on or supportive of its militaristic nation’s glorification of war.

Being a part of the inhumane society that Hoess was raised in, he never had a chance to be all that he could have been. He was hanged on April 16, 1947, at the age of 45 on a gallows built near the Auschwitz death camp’s crematorium in Poland.

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Pursuing Truth about Israel/Palestine

Many journalists are confronted with a choice in their careers: pursue a difficult truth by taking on powerful interests or protect their livelihoods by going with the flow. While readers may think the choice is obvious pursue the truth it often comes with a high price, as journalist Alan Hart learned.

By Alan Hart

I am withdrawing from the battlefield of the war for the truth of history as it relates to the making and sustaining of the conflict in and over Palestine that became Israel, and the following is an explanation of why.

More than three decades ago when I made my commitment to this war effort in the full knowledge that it would make me persona non grata in the eyes of the mainstream media in which I had served with some distinction I believed that the single most amazing thing about the conflict was Zionism’s success in selling its propaganda lies, lies which were told not only to justify anything and everything the Zionist (not Jewish) State of Israel did and does, but also to establish and fix the boundaries of what could and could not be discussed in public discourse about Israel’s policies and actions.

I mean what could and could not be discussed by non-Jews, Europeans and Americans especially, if they didn’t want to be terrorized by smears and false charges of anti-Semitism, which could result in them losing their positions and jobs.

What could be called the Mother and Father of Zionism’s propaganda lies is the assertion that all the Jews of the world are descended from the ancient Hebrews and therefore have a common ethnic origin and national heritage. In other words, according to Zionism’s assertion, Palestine is by definition the ancestral homeland of all the Jews of the world; and this, it is further asserted by Zionism, means that Israel has the right to sovereignty over all the land it occupies today and Jews from anywhere have the right to settle on it.

As Israeli historian Shlomo Sand explains in his book The Invention of the
Jewish People, that is simply not true. And as I noted in my book Zionism: The Real Enemy of the Jews (which was published before Sand’s work), almost all the Jews who went to Palestine in answer to Zionism’s call had no biological connection to the ancient Hebrews.

They, like almost all Jews, were the descendants of peoples from many homelands (mainly in Eastern and Western Europe) who converted to Judaism centuries after the brief rule of the ancient Hebrews ended and who, after their conversion, had only their religion and its rituals in common.

By the time Zionism declared itself into existence around 1897, there were more Palestinian Arabs, who had descended from the ancient Hebrews, than Palestinian Jews who could count the ancient Hebrews as direct ancestors. That is because many descendants of the ancient Hebrews had converted to Islam and Christianity over the centuries. Thus, Zionism’s claim that the Jews of the world have a right to the land now occupied by Greater Israel does not bear honest examination.

Declared Independence

One of the most influential of Zionism’s follow-up propaganda lies asserted that Israel was given its birth certificate and thus its legitimacy by the United Nations Partition Resolution of Nov. 29, 1947. As I document in detail in my book and have indicated over the years in more than a few articles and presentations of public platforms of all kinds, that is propaganda nonsense.

In the first place the UN, without the consent of the majority of the people of Palestine, did not have the right to decide to partition Palestine or assign any part of its territory to a minority of alien immigrants in order for them to establish a state of their own. Despite that, by the narrowest of margins, and only after a rigged vote (rigged by Zionist pressure amounting to blackmail on the leaders and governments of some member states), the UN General Assembly did pass a resolution to partition Palestine and create two states, one Arab, one Jewish, with Jerusalem not part of either.

But the General Assembly resolution was only a proposal meaning that it could have no effect, would not become policy, unless approved by the Security Council. But the General Assembly’s partition proposal never went to the Security Council for consideration. Why not? Because the U.S. knew that, if approved, it could only be implemented by force; and President Truman was not prepared to use force to partition Palestine.

So the partition plan was vitiated (became invalid), and the question of what to do about Palestine after the occupying British had been driven out it by Zionist
terrorism was taken back to the General Assembly for more discussion. The option favored and proposed by the U.S. was temporary UN Trusteeship. It was while the General Assembly was debating what to do next that Israel unilaterally declared itself to be in existence actually in defiance of the will of the organized international community, including the Truman administration.

The truth of the time was that Israel had no right to exist. It came into existence because David Ben-Gurion had done everything necessary to guarantee that his Jewish forces would be more than sufficient in numbers and well enough armed to roll back and defeat any Arab military response to Israel’s unilateral declaration of independence, and that Zionist might would prevail over Palestinian right.

Thereafter, Zionism was successful in convincing the Western world that poor little Israel lived in constant danger of annihilation, the “driving into the sea” of its Jews. The truth is that Israel’s existence has never, ever, been in danger from any combination of Arab military force. Despite some stupid, face-saving Arab rhetoric to the contrary, which played into Zionism’s hands, the Arab regimes never, ever, had any intention of fighting Israel to liberate Palestine.

When elements of the armies of the frontline Arab states went to war with Israel in 1948, their objective was not to destroy the “Jewish state” but to hold the land that had been assigned to the Palestinian Arab state by the vitiated partition plan, and they failed miserably, as Ben-Gurion was confident they would.

Also true is that Jordan, whose king had been in secret dialogue with Zionism’s in-Palestine leaders, would not have been a serious party to the Arab war effort if Ben-Gurion had not tried to grab Jerusalem; if, in other words, he had been content for the Holy City not to be part of either the Jewish or Arab state of the vitiated partition plan. Israel always was the aggressor and oppressor, not and never the victim.

Its assertion, repeated over and over again, that it didn’t have Arab partners for peace was also a big fat propaganda lie (as the documented truth of history, including de-classified Israeli state papers which are ignored by the mainstream media, proves).

A Personal Stand

When I made my commitment to the war for truth more than three decades ago, I believed that calling and holding Israel to account for its crimes, in order for there to be peace based on justice for the Palestinians and security for all,
would remain a mission impossible unless the citizens of the Western nations, enough of them and Americans especially, were informed about the truth of history.

That seemed obvious to me because it was clear that, unwilling to confront the Zionist lobby in all its manifestations, the governments of the major Western powers were not going to use the leverage they have to oblige Israel to end its defiance of international law unless and until they were pushed to do by informed public opinion by manifestations of real democracy in action.

THE problem was that most citizens of the Western nations, Americans especially, were too misinformed and uninformed to do the pushing. In other words, because they had been conditioned by Zionist propaganda, peddled without question by the mainstream media, most citizens were too ignorant to make their democracies work for justice and peace in the Middle East.

So my starting point was the belief that the real conflict is an information war between Zionism’s masters of deception on the one side and the truth-tellers on the other.

The truth-tellers were few in number but among those who produced major truth-telling works (books) were Jews of real integrity including, for example, the Jewish-American Alfred M. Lilienthal; the first two Israeli “revisionist” meaning honest historians Avi Shlaim and Ilan Pappe; the Jewish-American Norman Finkelstein; and Auschwitz survivor Hajo Meyer. (In such company the Gentile me felt secure in the frontline trenches of the war for truth. There was also comfort in knowing that we were taking on Zionism from the moral high ground).

Over the last 20 years or so, with their books, articles and public speaking, the truth-tellers have made an impact but not on a big enough scale to change the outcome of the war. The truth today is that the situation of the occupied and oppressed Palestinians is worse than it has ever been and is worsening as Israel continues its defiance of international law and gobbles up more and more Palestinian land and water resources.

Also true today is that there is a rising, global tide of anti-Israel-ism, but it has little or nothing to do with the work of the truth-tellers. It is being provoked by Israel’s policies and actions. Some people (including perhaps President Obama) hope that Israel’s growing isolation will bring a majority of Israeli Jews to their senses and cause them to insist that their government be serious about peace on terms the Palestinians could accept. That has to be a possibility, but I think it is much more likely that the rising, global tide of anti-Israel-ism will have an opposite effect.
I mean that sentiment will assist Zionism’s deluded leaders to reinforce the message that what is happening is proof of what they have always said that the world hates Jews and that Israel’s leaders must therefore do whatever is necessary to preserve and protect their state as an insurance policy, a refuge of last resort for all Jews everywhere even if that means telling an American president and the whole world to go to hell.

Lack of Resources

On reflection today I believe that Zionism could have been contained and defeated by now if the resources (yes, I do mean money) had been available to assist the promotion and spread of the truth of history on the scale necessary to empower the citizens of the Western nations, Americans especially, to make their democracies work for justice and peace by demanding that their governments end their unconditional support for Israel, right or wrong.

In my view, which is based on my own engagements with audiences across the U.S., Americans in great numbers would have been open to the truth of history if they had also been made aware that unconditional support for Israel right or wrong is not in their own best interests.

Because the resources were not made available, the war for the truth of history has remained the most asymmetric of all information wars. Zionism’s masters of deception have, as they always have had, virtually unlimited funds for the coordinated promotion of their propaganda lies. The truth-tellers are, as they always have been, without the resources needed to put together and implement a coordinated, winning campaign strategy.

The main providers of the resources necessary for winning the information war ought to have been seriously wealthy Arabs in general and seriously wealthy diaspora Palestinians in particular. They ought to have done for Palestine what seriously wealthy Jews did and still do for Zionism.

There are two main reasons why seriously wealthy diaspora Palestinians declined to play their necessary part in funding promotion of the truth of history.

Those who live in Western Europe and America are frightened that any association with the work of people who credibly challenge Zionism’s version of history would invite Zionist retribution, which could result in their businesses being damaged and perhaps even destroyed.

Those who live in the Gulf States are frightened that assisting the truth-tellers could put their very comfortable positions and relationships with the rulers of those states at risk because the rulers would not take kindly to a blow-back hassle from Zionism.
Zionist heavyweights in America do sometimes call Gulf Arab rulers directly to tell them what they should not do or allow. One such call was made to tell a ruler that he should not support Alan Hart and Ilan Pappe. The call was made after Ilan and I had made a joint presentation in the particular state, at its invitation, and had been promised support for our work.

Another possible reason why some seriously wealthy diaspora Palestinians have not assisted the promotion of the truth of history could be that they don’t understand (at all or well enough) that Western governments are not going to confront the Zionist monster unless the citizens of nations, the voters, are informed enough to demand that they do.

It’s also not impossible that some seriously wealthy diaspora Palestinians have not contributed to the information war effort because they believe but dare not say that Palestine has long been a lost cause. The brutal truth about seriously wealthy non-Palestinian Arabs is that most of them don’t care about the occupied and oppressed Palestinians and the many others, refugees still living in camps, who were dispossessed of their homes, their land and their rights. The Arab masses do care but their elites don’t. (That statement is something of an exaggeration to make a point but it contains much truth).

Weighing Costs

Today I can quantify the cost of my own commitment to the war for truth. If I had written a pro-Zionist book, I would have had wealthy Jews throwing money at it and me for global promotion of all kinds. But with *Zionism: The Real Enemy of the Jews*, (which is a complete re-writing of the entire history of the conflict exposing Zionist propaganda for the nonsense it is and replacing it with the documented truth of history), I was on my own.

To fund the research and writing over nearly five years, then the printing and publication of the original, two-volume hardback edition, and then some promotion, I took out a loan against the security of the home that my wife and I owned outright and have lived in for a quarter of a century.

At the time I decided to do so (with my dear wife’s complete understanding and support), I didn’t think I was being stupid. My previous book (*Arafat, Terrorist or Peacemaker?*) had earned me significant income from the sale of the Arabic newspaper serialization rights, and I assumed that my latest book would do the same, enabling me to clear the re-mortgaged debt on my home.

I was, of course, aware that there were truths in *Zionism: The Real Enemy of the Jews* that would be more than uncomfortable for the Arab regimes and which they would not want their newspapers to publish. When I was writing the book, I had
to be guided by the fact that you can’t tell the truth about Zionism without telling the truth about why the Arab states were never a threat to Israel’s existence.

But newspaper serialization of a two-volume book (which became three volumes in its updated American edition) would have taken only a relatively small amount of total content. Arab editors doing the serialization could have left out everything that offended their political masters and still had more than enough material to inform and entertain their readers.

But it was no go. My book was not only red-flagged by Zionism and therefore all the major Western publishing houses, this despite the fact that my extremely well-connected and respected literary agent had on file letters from the CEOs of some of them with rare praise for my manuscript. One of the letters, which I quoted in the Preface to the original hardback edition, described my manuscript as “awesome driven my passion, commitment and profound learning.” It added, “There is no question it deserves to be published.”

For their part, the Arab regimes were at one with Zionism in wanting the full truth of history to be suppressed to the maximum extent possible. They effectively endorsed Zionism’s strategy for dealing with me and my work “Alan Hart and his book do not exist.” (I think my dear friend Ilan Pappe may well have been right when he said that Zionism was more frightened of my book than any other because of its title, which he described as “the truth in seven words.”)

Today I have to face the cost consequences of my commitment to the truth of history. To avoid being dispossessed of my home and land in the not-too-distant future because I don’t have the money to pay the principal sum of the outstanding re-mortgaged debt (I have been paying only the interest on it), I now have to sell and downsize. Preparing to downsize will require, among other things, months of my fulltime to sort through and dispose of much of what has been accumulated over decades and could not be accommodated and stored in a much smaller property with little or no land.

And that in the proverbial nutshell is why I am withdrawing from the battlefield of the war for truth. The days when I could serve causes beyond self in order to feel that I was doing something useful with my life are gone. Like seriously wealthy diaspora Palestinians and other Arabs, I must now put my own interests, and above all those of my dear wife, first.

**Love or Justice?**

Back in the early 1970s when I was making *Five Minutes To Midnight*, my
I had a verbal boxing match with Mother Teresa in Calcutta. After a day of filming with her as she collected some of those dying from poverty on the pavements to give them a few more days of life with shelter and loving care, she invited my camera crew and me to a frugal evening meal with some of her sisters. The question I posed for discussion over the meal was this: Which is the most important word in any language love or justice?

Mother Teresa argued with passion, sometimes angry passion, for love. I argued, with equal but not angry passion, for justice. If she was alive today, I would say to her, “Mother Teresa, it’s justice not love that is required if the countdown to catastrophe in Palestine that became Israel is to be stopped.”

But it was not only my complete identity with the Palestinians’ irrefutable claim for justice and my admiration of the incredible, almost superhuman steadfastness of the occupied and oppressed that inspired, drove and sustained my commitment to the war for the truth of history. I feared, as I do even more so today, that if the information war that probably could have been won by now is lost, the end-game will most likely be a final Zionist ethnic cleansing of Palestine, followed, quite possibly, by another great turning against the Jews, provoked by Zionism’s insufferable self-righteousness and contempt for international law.

For three decades, I have done my best to contribute to the understanding needed to prevent both obscenities from happening, but I have now reached and passed the outer limits of what I can do when there’s a lack of will on the part of seriously wealthy diaspora Palestinian and other Arabs to assist the promotion and spread of the truth of history.

In the days and weeks to come, I will no doubt find myself wondering if I was naive to believe that I could help Palestinian right triumph over Zionist might. To those all over the world who through the years have expressed appreciation for my books, articles and presentations on public platforms of all kinds Thank You, your moral support helped to sustain my commitment.

A Palestinian friend once asked me if, on matters to do with Palestine, I was aware of the main difference between Arabs and Jews. He didn’t wait for me to respond. He said: “Arabs almost never do what they say they will do. Jews often do what they say they will not do.” I said I thought there was an element of truth in that.

Alan Hart is a former ITN and BBC Panorama foreign correspondent who has covered wars and conflicts around the world and has specialized in the Middle East. His latest book *Zionism: The Real Enemy of the Jews, Vol. 1: The False Messiah*, is a
Sandra Day O’Connor’s ‘Maybe’ Regret

Exclusive: Ex-Supreme Court Justice Sandra Day O’Connor, who normally ducks questions about overturning Al Gore’s election in 2000 and putting George W. Bush in the White House, admits that “maybe” a mistake was made. But she still won’t accept the magnitude of her judicial crime, says Robert Parry.

By Robert Parry

Even as an investigative reporter experienced in writing about terrible decisions that lead to horrible results, I find it galling that former U.S. Supreme Court Justice Sandra Day O’Connor now grudgingly concedes that “maybe” she shouldn’t have joined four other Republicans to hand the White House to George W. Bush in 2000.

In an interview with the Chicago Tribune editorial board last Friday, the 83-year-old O’Connor acknowledged that “maybe the court should have said, ‘We’re not going to take it [Bush’s appeal of a lower court ruling], goodbye.’”

Yet, perhaps even more galling, O’Connor didn’t try to defend her reasoning in the decision, that the Florida State Supreme Court’s mandate to count ballots that were kicked out by antiquated voting machines but still revealed how citizens intended to vote was somehow a violation of the Fourteenth Amendment’s requirement of equal protection under the law.

The amendment was passed after the Civil War to protect the legal rights of former African-American slaves, but in the hands of O’Connor and four other Republicans it was turned inside-out, used to disenfranchise blacks and other Floridians living in poorer districts lacking the newer voting machines of whiter and richer communities.

O’Connor, who for more than a dozen years has resisted discussing the 2000 decision that overturned the will of the American voters, suggested in her comments to the Tribune that the court’s legal reasoning was only a facade anyway. She noted that the disputed election had “stirred up the public” and “obviously the court did reach a decision and thought it had to reach a decision.”
She added, “It turned out the election authorities in Florida hadn’t done a real good job there and kind of messed it up. And probably the Supreme Court added to the problem at the end of the day.”

O’Connor lamented, too, that the ruling “gave the court a less-than-perfect reputation.” Of course, more significantly, it gave the United States “a less-than-perfect” leader who proceeded to blunder the nation into a series of catastrophes that cost the lives of hundreds of thousands, threw the global economy into a depression, and left the U.S. government deeply in debt.

Though the mainstream press typically treats O’Connor with kid gloves, the hard truth is that she bears a great deal of responsibility for all that human suffering because she was the pivotal vote that overturned the collective judgment of the American people who had favored Vice President Al Gore both nationally and in Florida.

Not only did Al Gore win the national popular vote in Election 2000 but if all ballots legal under Florida law had been counted, he would have prevailed in that swing state, too, and thus become the 43rd U.S. President. However, instead of giving Florida canvassing boards the chance to tally the ballots, O’Connor and four other Republicans simply stopped the count.

In siding with Bush, the U.S. Supreme Court also rewarded the Bush campaign for all the obstructions it had placed in the way of a full-and-fair vote count, including flying in rioters from Washington to disrupt the work of the Miami canvassing board. [For details on the election battle, see Neck Deep.]

Stopping the Recount

Finally, the Florida Supreme Court ordered a state-wide recount to determine if legally cast ballots had been missed. In response, Bush’s team of lawyers rushed into federal court seeking to stall the recount until after Dec. 12, 2000, when Bush’s 537-vote victory, as certified by Republican Secretary of State Katherine Harris, was scheduled to become official and render any recount meaningless.

In demanding the stay, Bush’s lawyers argued that the vote counting was a threat to “the integrity of the electoral process” and could cause Bush “irreparable injury.” But there would have been nothing irreparable about conducting the recount and then, if the U.S. Supreme Court agreed with Bush, to throw out the newly discovered votes.

On the other hand, there would be irreparable harm to Gore’s campaign if an injunction blocked the counting of the votes and the Dec. 12 deadline preserved Bush’s margin which by then had shrunk to 154 votes. When Bush’s legal arguments were presented to the conservative-dominated U.S. Court of Appeals in Atlanta,
the case was promptly rejected. But Bush’s lawyers then hastened to a friendlier venue, the U.S. Supreme Court.

Meanwhile, in Florida, the state-court-ordered recount was underway. County by county, election canvassing boards were moving smoothly through the machine-rejected ballots, discovering hundreds that clearly had registered choices for presidential candidates. Gore gained some and Bush gained some.

When there was a dispute, the ballots were set aside for later presentation to Leon County Circuit Judge Terry Lewis, who had been named by the Florida Supreme Court to oversee the process and was given wide leeway to make judgments about which ballots should be counted.

“The Circuit Court is directed to enter such orders as are necessary to add any legal votes to the total statewide certifications and to enter any orders necessary,” the Florida Supreme Court ruling stated. “In tabulating the ballots and in making a determination of what is a ‘legal’ vote, the standard to be employed is that established by the Legislature in our election code which is that the vote shall be counted as a ‘legal’ vote if there is ‘clear indication of the intent of the voter.’”

As the recount proceeded, the chairman of the Charlotte County canvassing board posed a question to Judge Lewis: what should be done with ballots in which a voter both punched the name of a presidential candidate and wrote the name in? These so-called “over-votes” containing two entries for President although for the same candidate had been kicked out of the counting machines, too, along with the “under-votes,” those where the machine couldn’t discern a vote for President.

The Florida Supreme Court ruling had only specified tallying the under-votes, but the ruling also had instructed Judge Lewis to count every vote where there was a “clear indication of the intent of the voter.” The over-votes demonstrated even more clearly than the under-votes who the voter wanted.

So Lewis sent a memo to the state canvassing boards, instructing them to collect these over-votes and send them along with under-votes still in dispute. “If you would segregate ‘over-votes’ as you describe and indicate in your final report how many where you determined the clear intent of the voter,” Judge Lewis wrote, “I will rule on the issue for all counties.”

Lewis’s memo a copy of which was later obtained by Newsweek magazine might not have seemed very significant at the time, but it would grow in importance because the over-votes were discovered to heavily favor Gore.

If they were counted as they almost surely would have been under Lewis’s
instructions Gore would have carried Florida regardless of what standard was applied to the “chads,” the tiny pieces of paper that were not completely dislodged from the punch-through ballots that were then kicked out by the counting machines.

After the Lewis memo surfaced almost a year later, the Orlando Sentinel of Florida was virtually alone in asking the judge what he would have done with the over-votes if the Florida recount had been permitted to go forward. Lewis said that while he had not fully made up his mind about counting the over-votes in December 2000, he added: “I’d be open to that.”

In effect, Lewis’s instructions had signaled an obvious decision to count the over-votes because once the votes that were legal under Florida law had been identified and collected there would be no legal or logical reason to throw them out, especially since some counties had already included over-votes in their counts.

A Heart-Stopping Decision

But only hours after Lewis issued his instructions, five Republicans on the U.S. Supreme Court did something unprecedented. The narrow court majority ordered a halt in the counting of ballots cast by citizens for the election of the President of the United States.

It was a heart-stopping moment in the history of a democratic Republic. It carried the unmistakable odor of a new order imposing itself in defiance of the popular will. There were no tanks in the streets, but the court’s ruling was as raw an imposition of political power as the United States had seen in modern times.

In the 5-4 decision, the highest court in the land told vote-counters across Florida to stop the recount out of fear that it would show that Gore got more votes in Florida than Bush did. Such an outcome would “cast a cloud” over the “legitimacy” of an eventual Bush presidency if the U.S. Supreme Court later decided to throw out the Gore gains as illegal, explained Justice Antonin Scalia in an opinion speaking for the majority, which included Justices William Rehnquist, Anthony Kennedy, Clarence Thomas and O’Connor.

“Count first, and rule upon the legality afterwards, is not a recipe for producing election results that have the public acceptance democratic stability requires,” wrote Scalia, an appointee of President Ronald Reagan. In other words, it was better for the U.S. public not to know for sure that Gore got the most votes if as expected the Supreme Court later decided simply to award the presidency to Bush.
In a sharply worded dissent, Justice John Paul Stevens took Scalia’s reasoning to task. Stevens, a moderate who was appointed by Republican President Gerald Ford, said the injunction against the vote tally violated the traditions of “judicial restraint that have guided the Court throughout its history.” Stevens complained that the high court’s action overrode the judgment of a state supreme court, took sides on a constitutional question before that issue was argued to the justices, and misinterpreted the principles of “irreparable harm.”

“Counting every legally cast vote cannot constitute irreparable harm,” Stevens argued. “On the other hand, there is a danger that a stay may cause irreparable harm to the respondents [the Gore side] and, more importantly, the public at large” because the stay could prevent a full tally of the votes before the impending deadline of Dec. 12 for selecting Florida’s electors.

As for the “legitimacy” issue, Stevens answered Scalia’s rhetoric directly. “Preventing the recount from being completed will inevitably cast a cloud on the legitimacy of the election,” Stevens wrote.

Dangerous Journey

Immediately after the U.S. Supreme Court’s unprecedented injunction, I wrote at Consortiumnews.com that if the high court insisted “on stopping the vote count and handing the presidency to George W. Bush, the United States will have embarked upon a dangerous political journey whose end could affect the future of all mankind.

“For American political institutions to ignore the will of the voters and to wrap partisanship in the judicial robes of the nation’s highest court will almost certainly be followed by greater erosion of political freedom in the United States and eventually elsewhere.

“Illegitimacy and repression are two of history’s most common bedfellows. Perhaps most chilling, at least for the moment, is the now-unavoidable recognition that the U.S. Supreme Court, the country’s final arbiter of justice, has transformed itself into the right wing’s ultimate political weapon. A dark cloud is descending over the nation.”

Three days later, the other shoe from the U.S. Supreme Court was expected to drop. There should have been no real doubt how O’Connor and the other four would rule they clearly had decided that George W. Bush should be President but it was less certain what legal reasoning they would employ.

The mainstream press regarded O’Connor as a sort of “wise woman” beyond the taint of partisanship, but she had a personal as well as political reason for putting Bush in the White House. With her husband ailing from Alzheimer’s
disease, O’Connor was contemplating retiring and wanted a Republican appointed as her successor.

Consortiumnews.com political reporter Mollie Dickenson reported that “one of the court’s supposed ‘swing votes,’ Justice Sandra Day O’Connor, is firmly on board for George W. Bush’s victory. According to a knowledgeable source, O’Connor was visibly upset indeed furious when the networks called Florida for Vice President Al Gore on Election Night. ‘This is terrible,’ she said, giving the impression that she desperately wanted Bush to win.”

But one optimist who thought that O’Connor would demand a ruling respectful of democratic principles was Al Gore. Dickenson reported that as late as 4 p.m. on Dec. 12, Gore was making campaign thank-you calls, including one to Sarah Brady, the gun-control advocate whose husband James Brady had been wounded in the 1981 assassination attempt against President Ronald Reagan.

“We’re going to win this thing, Sarah,” Gore said. “I just have all the faith in the world that Sandra Day O’Connor is going to be with us on this one.”

**An Acrobatic Ruling**

As it turned out, Gore’s confidence in O’Connor was misplaced. As the clock ticked toward a midnight deadline for Florida to complete any recount, O’Connor was working with Justice Kennedy to fashion a ruling that would sound principled but still would prevent a full recount and thus guarantee both George W. Bush’s inauguration and Republican control over the appointment of future federal judges.

Yet, behind the closed doors of the court chambers, O’Connor and the other four pro-Bush justices were having a harder time than expected coming up with even a marginally plausible legal case. Indeed, outside public view, the five justices tentatively decided on one set of arguments on Dec. 11 but then reversed their thinking nearly 180 degrees heading into the evening of Dec. 12.

*USA Today* disclosed the inside story in a later article that focused on the stress that the *Bush v. Gore* ruling had caused within the court. While sympathetic to the pro-Bush majority, the article by reporter Joan Biskupic explained the court’s flip-flop in legal reasoning.

The five justices had been planning to rule for Bush after oral arguments on Dec. 11. The court even sent out for Chinese food for the clerks, so the work could be completed that night, but events took a different turn.

The Dec. 11 legal rationale for stopping the recount was to have been that the Florida Supreme Court had made “new law” when it referenced the state
constitution in an initial recount decision rather than simply interpreting state statutes. Even though this pro-Bush argument was highly technical, the rationale at least conformed with conservative principles, supposedly hostile to "judicial activism."

But the Florida Supreme Court threw a wrench into the plan. On the evening of Dec. 11, the state court submitted a revised ruling that deleted the passing reference to the state constitution. The revised state ruling based its reasoning entirely on state statutes that permitted recounts in close elections.

The revision drew little attention from the national press, but it created a crisis within the U.S. Supreme Court's majority. Justices O'Connor and Kennedy no longer felt they could agree with the "new law" rationale for striking down the recount, though Rehnquist, Scalia and Thomas still were prepared to use that argument despite the altered reasoning from the state court.

Searching for a new rationale, O'Connor and Kennedy veered off in a different direction. Through the day of Dec. 12, the pair worked on an opinion arguing that the Florida Supreme Court had failed to set consistent standards for the recount and that the disparate county-by-county standards constituted a violation of the "equal protection" rules of the Fourteenth Amendment. But this argument was so thin and so tendentious that Kennedy reportedly had trouble committing it to writing with good reason.

To anyone who had followed the Florida election, it was clear that varied standards already had been applied throughout the state. Wealthier precincts had benefited from optical voting machines that were simple to use and eliminated nearly all errors, while poorer precincts where many African-Americans and retired Jews lived were stuck with outmoded punch-card systems with far higher error rates. Some Republican counties also had conducted manual recounts on their own and those totals were part of the tallies giving Bush a tiny lead.

The suspended statewide recount, even if there were slight variations of standards regarding "intent of the voters," was designed to reduce these disparities and thus bring the results closer to equality.

Applying the "equal protection" provision, as planned by O'Connor and Kennedy, turned the Fourteenth Amendment on its head, guaranteeing less equality than would occur if the recount went forward. Plus, the losers in this perverse application of the Fourteenth Amendment would include African-Americans whose legal rights the amendment had been created to protect.

Further, if one were to follow the O'Connor-Kennedy position to its logical conclusion, the only fair outcome would have been to throw out Florida’s
presidential election in total. After all, Florida’s disparate standards were being judged unconstitutional, and without some form of recount to eliminate those disparities, the entire statewide results would violate the Fourteenth Amendment.

That, however, would have left Al Gore with a majority of the remaining electoral votes nationwide. Clearly, the five pro-Bush justices had no intention of letting their “logic” lead to that result.

A Catch-22

Beyond the stretched logic of O’Connor-Kennedy was the readiness of Rehnquist, Scalia and Thomas to sign on to the revamped opinion that was almost completely at odds with their own legal rationale for blocking the recount in the first place. On the night of Dec. 11, that trio was ready to bar the recount because the Florida Supreme Court had created “new law.” A day later, they agreed to bar the recount because the Florida Supreme Court had not created “new law,” the establishment of precise statewide recount standards.

The pro-Bush justices had devised a Catch-22. If the Florida Supreme Court set clearer standards, they would be struck down as creating “new law.” Yet, if the state court didn’t set clearer standards, that would be struck down as violating the “equal protection” principle. Heads Bush wins; tails Gore loses.

Never before in American history had U.S. Supreme Court justices exploited their extraordinary powers as brazenly to advance such clearly partisan interests as did these five justices.

The Bush v. Gore decision was finally released at 10 p.m., Dec. 12, just two hours before the deadline for completing the recount. After having delayed any remedy up to the deadline, the five pro-Bush justices then demanded that any revised plan and recount be finished in 120 minutes, a patently impossible task.

In a dissenting opinion, Justice Stevens said the majority’s action in blocking the Florida recount “can only lend credence to the most cynical appraisal of the work of judges throughout the land.”

Justices Stephen Breyer and Ruth Bader Ginsburg, appointees of President Bill Clinton, said in another dissent, “Although we may never know with complete certainty the identity of the winner of this year’s presidential election, the identity of the loser is perfectly clear. It is the nation’s confidence in the judge as an impartial guardian of the rule of law.”

Tacitly recognizing the nonsensical nature of its own ruling, the majority barred the Bush v. Gore decision from ever being cited as a precedent in any
other case. It was a one-time deal to put Bush in the White House.

The next day, Al Gore whose final national plurality by then had grown to about 540,000 votes, more than the winning margins for Kennedy in 1960 or Nixon in 1968 conceded Election 2000 to George W. Bush.

After Gore’s concession, Justice Thomas told a group of high school students that partisan considerations played a “zero” part in the court’s decisions. Later, asked whether Thomas’s assessment was accurate, Rehnquist answered, “Absolutely.”

Shielding Bush

Once those five Republican justices handed the White House to their fellow Republican the poorly qualified Bush other representatives of the Establishment stepped in to shield Bush’s fragile “legitimacy.” Major U.S. news outlets did their part to conceal the reality of the electoral fraud. Especially after the 9/11 attacks, senior editors closed ranks around the bumbling Bush and even misreported the findings of their own recount of the disputed Florida ballots.

When the news outlets finally got around to publishing their findings in November 2001, they intentionally buried the lede, i.e. that the wrong guy was in the White House. Instead, they focused on two hypothetical partial recounts that would have still left Bush with a tiny plurality. Yet, the only tally that should have mattered was the will of the Florida voters as reflected in the ballots considered legal under state law.

So, not only was history altered by the unjustified intervention of O’Connor and her four collaborators, but history was then willfully miswritten by the New York Times, the Washington Post, CNN and other news heavyweights. “Study of Disputed Florida Ballots Finds Justices Did Not Cast the Deciding Vote,” the New York Times declared. “Florida Recounts Would Have Favored Bush” exclaimed the Washington Post.

The Post’s Page One article was followed by a sidebar from media critic Howard Kurtz, who took the Bush-victory spin one cycle further, with a story headlined, “George W. Bush, Now More Than Ever.” Kurtz ridiculed as “conspiracy theorists” those who had expected to learn that Gore had actually won.

“The conspiracy theorists have been out in force, convinced that the media were covering up the Florida election results to protect President Bush,” Kurtz wrote. “That gets put to rest today, with the finding by eight news organizations that Bush would have beaten Gore under both of the recount plans being considered at the time.”
Kurtz also mocked those who believed that winning an election fairly, based on the will of the voters, was all that important in a democracy. “Now the question is: How many people still care about the election deadlock that last fall felt like the story of the century and now faintly echoes like some distant Civil War battle?” he wrote.

But, Kurtz’s sarcasm aside, a close reading of the actual findings buried by the big newspapers on inside pages or included as part of a statistical chart revealed that the Page One stories were misleading, if not outright false. The reality was that Al Gore actually had been the choice of Florida’s voters if all legally cast votes were counted. By any chad measure hanging, dimpled or fully punched through Gore would have won Florida and thus the White House.

Gore won even if one ignored the 15,000 to 25,000 votes that USA Today estimated Gore lost because of illegally designed “butterfly ballots,” or the hundreds of predominantly African-American voters who were falsely identified by the state as felons and turned away from the polls. Gore won even if there were no adjustment for Bush’s windfall of about 290 votes from improperly counted military absentee ballots where lax standards were applied to Republican counties and strict standards to Democratic ones.

Put differently, George W. Bush was not the choice of Florida’s voters anymore than he had been the choice of the American people who cast a half million more ballots for Gore than Bush nationwide. Yet, possibly for reasons of patriotism or out of fear of criticism if they had written “Gore Won” leads, the news organizations that financed the Florida ballot study structured their stories on the ballot review to indicate that Bush was the legitimate winner.

In effect, the elite media’s judgment was “Bush won, get over it.” Only “Gore partisans” as both the Washington Post and the New York Times called critics of the official Florida election tallies would insist on looking at the fine print.

**Seeing the Numbers**

While “Bush Won” was the short-hand theme of nearly all the news stories on Nov. 12, 2001, it was still a bit jarring to go beyond the Page One articles or CNN’s headlines and read the actual results of the statewide review of 175,010 disputed ballots. “Full Review Favors Gore,” the Washington Post stated in a box on Page 10, showing that under all standards applied to the ballots, Gore came out on top. The New York Times’ graphic revealed the same outcome.

Counting fully punched chads and limited marks on optical ballots, Gore won by 115 votes. With any dimple or optical mark, Gore won by 107 votes. With one corner of a chad detached or any optical mark, Gore won by 60 votes. Applying
the standards set by each county, Gore won by 171 votes.

Beyond getting the story wrong, the major U.S. newspapers acted as if it was their duty to convince the American people that Bush really was elected legitimately. Within one or two hours of posting a story at Consortiumnews.com challenging the big media’s version of the recount, I received an irate phone call from New York Times media writer Felicity Barringer.

In an “interview” which was more like a cross-examination, Barringer argued that my story had unfairly impugned the journalistic integrity of then-Times executive editor Howell Raines. Barringer seemed to have been on the lookout for any deviant point of view that questioned the “Bush Won” conventional wisdom.

Now, more than a decade later, after the calamity of George W. Bush’s presidency should be apparent to any thinking human being, the “swing vote” on the U.S. Supreme Court the supposedly fair-minded justice whom Gore had expected to stand up for the democratic process admits that “maybe” a mistake was made.

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).

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Ray McGovern on Consortiumnews

Ex-CIA analyst Ray McGovern has been crisscrossing the United States, with an occasional detour to Europe, speaking to groups concerned about U.S. foreign policy, but he took time to send in this letter urging readers to help Consortiumnews meet its spring fundraising goal.

Ray McGovern’s Letter to Editor Robert Parry

When I’m on the road talking with university students, faith groups and just plain Outside-the-Beltway Americans, it strikes me what a unique institution Consortiumnews has become over the past 18 years. It operates inside the Washington Beltway but it has avoided being co-opted by Washington’s facile conventional wisdom.

The Web site has shown me (and not only me) what gutsy professional journalism looks like. To say that Consortiumnews distinguishes itself in comparison to the ever-diminishing “mainstream media” might be construed as damning with faint
praise, but what a difference!

I’ve learned a lot about real aggressive journalism and how its high standards of proof differ even from the “current intelligence” analysis/reporting on which I cut my teeth beginning 50 years ago.

And I don’t just mean the rigors of sourcing and the relentless search for confirmation. I mean the other kinds of stuff Consortiumnews does like your own enterprise in finding explosive material in boxes stacked up in places like an abandoned ladies room off the parking garage of the Rayburn House Office Building.

During my almost three-decade CIA-analyst incarnation it was different. Among other things, I did not have to dig and dig. Copious source material on my area (initially Soviet foreign policy) was dropped into my wooden in-box six or more times a day by a courier from our Operations Center pushing a shopping cart. Except for the required schmoozing with an occasional academic, diplomat or military type, I could have sat quite comfortably on my derriere all day to just read and write.

Your recent reminder of how Washington keeps dissing Russian intelligence when it tries to cooperate with the U.S. was helpful not to mention other recent scoops from more normal (but often neglected) places like the presidential libraries of George H. W. Bush, Ronald Reagan, and Lyndon Johnson.

Those articles have changed how we understand modern history, revealing, for instance, how George H.W. Bush’s White House orchestrated the Iran-Contra cover-up; how Reagan gave a green light to genocide in Guatemala; and how Johnson sat on evidence of Richard Nixon’s Vietnam War “treason.”

On a more personal note, as you know I worked (often at close remove) for George H. W. Bush when he was CIA director, and then briefed him every other morning during his first four years as Vice President. And Bobby Gates worked for me for two years in the early Seventies, when I was chief of the Soviet Foreign Policy Branch. I thought I knew them both well; Gates I saw as corrupt from the get-go (and said so in his “efficiency report”); Bush well I just didn’t know much beneath his respectful mien, his clear interest in our reporting, and his great sense of humor.

What I could never figure out was why Bush expended so much political capital in 1991 twisting senatorial arms to get Gates confirmed as CIA director – despite Gates’s involvement in Iran-Contra. That the reason was because of his deep complicity in Iran-Contra, I’m ashamed to admit, never occurred to me.

Having read your stuff, now I know. Gates knew where most, if not all, of the
bodies were buried, so to speak, on Iran-Contra. He also knew how deeply Bush himself was involved. And so, in Bush’s eyes, Gates was desperately needed to fill the optimal position from which to cover it all up. Which he did.

Without Consortiumnews, the American people also wouldn’t know about LBJ’s national security adviser Walt Rostow’s curious instruction “don’t open this envelope for 50 years” to conceal papers showing how Nixon persuaded the South Vietnamese, right before the 1968 election, to spurn peace talks that could have ended the Vietnam War and avoided four more years of bloodshed.

The mainstream news media never wants to explicitly acknowledge these well-documented scoops after all, how embarrassing would that be! but I have noticed that some of these realities still manage to seep into an expanded (and corrected) narrative of American history.

Last week, the “Citizens Response” in Dallas to the George W. Bush “Lie-Bury” asked me to keynote the first speech (by Kathy Kelly) while introducing her via Skype. I shuddered at the thought. Why? Because one thing has become abundantly clear over the last decade; i. e., available time is ALWAYS a problem when one is asked to list the lies of Bush junior and I would have all of 15 minutes.

Your article examining Bush’s long string of bad and dishonest judgments made my task much simpler. I know that many of my friends assembled in Dallas to protest Bush’s celebration regularly read Consortiumnews and the many other Web sites that pick up and re-run our stuff.

So I rested easy in the assumption that many had already read your no-holds-barred commentary: “Let me take a crack at what I would have done if I were in Bush’s shoes or what I think he should have done.” By laying that all out, you spared me from having to devote any of my precious 15 minutes to it.

Consortiumnews is also distinctive, inasmuch as it publishes not only rigorous investigative journalism but also the thoughtful analyses of former intelligence analyst colleagues with whom I was proud to have served – the work of top-tier analysts like Mel Goodman, Paul R. Pillar and Elizabeth Murray as well as the incisive (and often brutally candid) commentaries of religious scholars, like Dan Maguire, Paul Surlis and Howard Bess.

And, though I’ll be writing mostly just speeches over the next few weeks, as I visit other parts of the country “on tour,” I look forward to contributing more of my own articles, too.

Earlier this month, I celebrated the 50th anniversary of my start as a CIA analyst. Out of that perspective, I have to say that at no time have things been so, well, “interesting,” and crucial. Once again our fellow citizens are being
misled malnourished as they are on the thin gruel of the Fawning Corporate Media. It is in such times, especially, that I consider it a privilege to write for, as well as learn from, Consortiumnews.

Will the United States stumble into another war (or two) as we approach the 100th anniversary of the start of World War I a war virtually no one wanted? Check out the parallels between today and historian Christopher Clark’s depiction of 1913 in his best-selling book: *The Sleepwalkers: How Europe Went to War in 1914*.

There are challenging days ahead and a solid foundation of reliable information from Consortiumnews will remain a must.

Ray McGovern

To help Consortiumnews reach its spring fundraising goal of $25,000, you can donate by [credit card online](#) or by [mailing a check](#) to Consortium for Independent Journalism (CIJ); 2200 Wilson Blvd., Suite 102-231; Arlington VA 22201. (For readers wanting to use PayPal, you can address contributions to our account, which is named after our e-mail address: “consortnew@aol.com”).

Since we are a 501-c-3 tax-exempt non-profit, your donation may be tax-deductible.

You can also help by buying one of Robert Parry’s books through the [Consortiumnews’ Web site](#) or his latest book, *America’s Stolen Narrative*, through Amazon.com, either in paper or the e-book version.

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**Forever Pounding the War Drum**

Official Washington’s “tough-guy-ism” eschewing diplomacy in favor of military force has slammed the United States into a series of foreign-policy disasters, such as the Iraq War. But key promoters keep denouncing anyone favoring less aggression as an “isolationist,” as ex-CIA analyst Paul R. Pillar explains.

By Paul R. Pillar

Former Senators Joseph Lieberman and Jon Kyl, identified as co-chairs of the American Internationalism Project at the American Enterprise Institute, offered the other day a statement of what they mean by American internationalism. Their piece exhorts us to resist “calls from Democrats and Republicans alike for neo-isolationist policies” and instead to “accept both the burdens and the benefits of a robust internationalism.”
The image of bipartisanship is clearly important to the Republican Kyl and the Democrat-cum-independent Lieberman, the latter of whom when still in the Senate was one of the Three Amigos along with John McCain and Lindsey Graham.

The rhetoric of Lieberman and Kyl about not withdrawing from the world sounds fine as far as it goes, but it does not go very far. Their one-dimensional treatment of their subject, in which everything gets reduced to a simple but grand choice of the United States playing or not playing a major role in world affairs, is divorced from the real policy choices the nation confronts and from any distinction among the varied policy tools available to it.

A ghost from the past about which they warn, the isolationism that constituted a significant and influential current of opinion in the United States between the two world wars of the Twentieth Century, is today less of a ghost than a straw man.

It would mean favoring severe cutbacks in military capability such as those that occurred after World War I and a withdrawal from global diplomacy reminiscent of staying out of the League of Nations and autarkic economic policies reminiscent of the Smoot-Hawley tariff. Whoever may represent this combination of views today is, for better or worse, on the fringe.

Maybe the compression required to fit thoughts into an op-ed is a factor, but to argue in a single breath, as Lieberman and Kyl do, against both “diplomatic retrenchment” and “military budget cuts” is to seem oblivious to the main lines of contention in policy debates on hot topics of the day such as Syria, Iran and much else.

Some of the most prominent divisions of opinion pit those who would emphasize the diplomatic tool against those who would rely on the military one. Neither side is isolationist; the issue is one of what is the best way to be an internationalist.

Lieberman and Kyl do not get into such current policy choices. One is left to wonder whether when they argue against diplomatic retrenchment and in favor of “a robust international economic and political presence” they would favor, say, the sort of U.S. diplomatic and political effort required to achieve a comprehensive Israeli-Palestinian peace agreement and creation of a Palestinian state. One would have reason to doubt that they do. Or how about vigorous U.S.-led diplomacy aimed at a political resolution of the Syrian civil war? There is also reason to doubt they would favor that.

Their simplified version of internationalism that conflates multiple dimensions and foreign policy instruments into one leads to what can only be described as
bad analysis. To talk reproachfully about the “slashing” of defense spending after the Soviet Union collapsed before the September 11th attacks “reminded us of the risks of assuming that peace will always prevail” suggests that a Cold War superpower and a terrorist group should be met by the same level and type of military capabilities.

They make a similar mistake in criticizing “proposed cuts in aid and military strength” and having a “small footprint” in the world as negatively affecting “our ability to deter the threats posed by Iran, North Korea, Syria, a more assertive China, al-Qaeda and other terrorist organizations and individuals.” With some of those adversaries a large footprint has been more of a provocation than a deterrent and, in the case of al-Qaeda, has even been a goal of the adversary.

This sort of talk from Lieberman and Kyl is, at a minimum, unhelpful to public understanding of real choices and real foreign policy problems. But they may have a further agenda, in which their talk is not just sloppy and oversimplified analysis but serves a more specific purpose for them.

The purpose might be gleaned from some of the positions earlier taken by the former senators and by the Three Amigos, who seem never to have met a war they didn’t like. If their principal purpose is to push for more rather than less military spending and more rather than less use of the U.S. military, it is useful to argue that opponents of their positions are “isolationists” bent on repeating mistakes of the past.

The argument obscures the fact that many of those opponents have at least as robust an internationalist perspective as Lieberman and Kyl do, even though they have different ideas about where and how to use different foreign policy tools.

We need to be wary not so much of a new isolationism as we do of arguments that use the label isolationism to confuse and obscure.

Paul R. Pillar, in his 28 years at the Central Intelligence Agency, rose to be one of the agency’s top analysts. He is now a visiting professor at Georgetown University for security studies. (This article first appeared as a blog post at The National Interest’s Web site. Reprinted with author’s permission.)

The Boston Marathon Over-Reaction

The intense response to the Boston Marathon bombings including a government shutdown of metropolitan Boston and hysterical national news coverage
sent troubling messages, both on civil liberties and the U.S. susceptibility to
terrorist-inspired disruptions, says Independent Institute's Ivan Eland.

By Ivan Eland

The bomb attack on innocent civilians and subsequent shooting of two law
enforcement officials was a reprehensible act of terrorism, but the saturation
media coverage and resulting societal frenzy is unwarranted and actually
harmful. Apparently, the lone surviving terrorist, Dzhokhar Tsarnaev, told the
FBI, before receiving notice of his Miranda rights, that he and his brother had
acted alone and that no other plots were afoot.

That this was a “lone wolf” (in this case wolves) attack that had little outside
support from a major terrorist group had become likely long before the younger
Tsarnaev admitted it. The first clue was the crude nature of the bombs, which
were pipe bombs or used mere gunpowder combined with pressure cookers and simple
timers. The bombers may have learned how to build them from looking at jihadist
websites on the Internet.

Second, the hapless terrorists had no escape plan from the marathon and
apparently stayed around to watch the carnage, oblivious to the plethora of
security and media cameras focused on the finish line. In the ensuing days, the
bombers not only stayed around the Boston area, but instead of laying low, went
after the police. Finally, the amateur terrorists carjacked a vehicle,
apparently told the owner of their future plans of causing mayhem in New York
City and after the owner escaped were tracked by police from the GPS in a cell
phone.

Although law enforcement authorities don’t like to admit it, because it
undermines their effort to hype the terrorist threat to get more money and
personnel “lone wolf” terrorists pose a much lesser threat than highly trained
organized terrorist groups, such as al-Qaeda and Hezbollah. Yes, even morons can
kill four people, and we are probably lucky it wasn’t more, but effective mass
casualty attacks, such as those on 9/11, require more training, skill, support,
and, well, luck to pull off.

That is why the sensational media coverage of the incident in Boston was
unwarranted. The accidental explosion at a fertilizer plant in Texas occurring
at roughly the same time killed more people and yet was a back-page story. To
pay attention, the American media and public apparently need a diabolical
villain on U.S. soil.

Also on the back pages at the same time were 185 Nigerians killed in an incident
involving the organized Islamist terrorist group, Boko Haram, and the uncovering
of an organized al-Qaeda plot to derail a train in Canada. These more serious incidents were underreported because the U.S. media, reflecting Americans’ demand for news, realize that they don’t care much if there are no U.S. casualties (the same is true in foreign wars, such as Iraq and Afghanistan, where the American public and media insist on meticulous counting of and showing photos of American war dead but don’t pressure the U.S. military to account for the much more numerous indigenous casualties).

The overwrought, around-the-clock media coverage (or the potential for it) of events such as the Boston Marathon bombing leads local, state and federal officials to overreact in their response. The authorities completely shut down the city of Boston and some suburbs, requiring people to stay inside. However, during similar “lone wolf” sniper attacks in the suburbs of Washington, D.C. in 2002, authorities made no effort to close down those suburbs or the city.

One might say that no bomb attacks occurred in Washington, whereas they did in Boston, but authorities in the Washington area didn’t know that the snipers, at least one with readily apparent military training, didn’t have that up their sleeves too. Also, during the 9/11 attacks, by an order of magnitude, the most serious and lethal terrorist attack by a small group in history, killing almost 3,000 people, Washington and New York weren’t shut down and people weren’t confined to what amounts to house arrest.

In fact, this author was walking around the ghost town of downtown Washington doing media interviews putting the attacks in perspective, as smoke rose from the Pentagon. One wonders how many people died in the Boston area because they felt discouraged from going outside to hospitals to treat what turned out to be life threatening medical problems of natural causes, probably many more than the five killed in the bombings and subsequent shootings (counting one of the suspects, Tamerlan Tsarnaev).

Requiring all people to stay in their homes when their chances of getting killed by a terrorist are still remote not only could threaten their well-being or their lives but also threatens their liberties and is exactly what the terrorists want.

Thomas Menino, the mayor of Boston, admitted that a goal of the marathon bombers, as with most terrorists, was disruption. Thus, closing the city helped the terrorists achieve one of their goals. The intense media coverage helps them achieve another, getting publicity. Such excess publicity often leads to copycat terrorists, who seek the limelight, and shows more dangerous, organized terror groups that American society is vulnerable to disruption.

In such crises, the media and public often take their cues from government
officials. Hyping the threat from feckless terrorists and draconian responses, such as a lockdown of a major metropolitan area, by officials lead to hysterical responses on the part of the media and public.

Yet officials, usually looking to show they are doing something decisive about the problem and to gain more authority and resources, have few incentives to put the threat in perspective and take measured responses that minimize restriction of civil liberties. After all, the average American has about the same chance of being killed by a terrorist as being killed by an asteroid hitting the earth (and less of a chance than being killed by lightning). In Boston, perhaps the odds were slightly greater, but not by much.

Ivan Eland is Director of the Center on Peace & Liberty at The Independent Institute. Dr. Eland has spent 15 years working for Congress on national security issues, including stints as an investigator for the House Foreign Affairs Committee and Principal Defense Analyst at the Congressional Budget Office. His books include *Partitioning for Peace: An Exit Strategy for Iraq* The Empire Has No Clothes: U.S. Foreign Policy Exposed, and *Putting “Defense” Back into U.S. Defense Policy*.

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**Obama Drifts Toward Syrian War**

**Exclusive:** Black flags of Islamic extremism are flying over “liberated” zones in Syria as hard-line fundamentalists take control of the uprising. Yet, Official Washington continues to demand the overthrow of the secular Assad regime, rather than consider a power-sharing compromise, Robert Parry reports.

By Robert Parry

For several years now, President Barack Obama has resisted demands from neocons, Republicans and hawkish Democrats that he intervene militarily in Iran and Syria, but he also has failed to negotiate seriously with those two governments, thus making a drift toward war more likely.

In 2012, there appeared to be a chance for a breakthrough both in talks with Iran over its nuclear program and with Syria’s Assad regime over a power-sharing arrangement with the country’s disaffected Sunni majority. Some people involved in those initiatives thought that after the U.S. election, a victorious Obama would have the political space to make concessions as well as demands. Then, when nothing happened, some thought he was waiting to install a new national security team and didn’t want to risk Senate obstruction of his nominations.
However, now it looks as if Obama simply has reverted to a more traditional (or default) foreign policy approach to the Middle East shuttle diplomacy by Secretary of State John Kerry regarding the Palestinian-Israeli conflict and provision of more military aid to “allies” through Defense Secretary Chuck Hagel.

So, 2013 could represent another lost opportunity, when the United States turned its back on creative strategies that could deliver peace and thus risked a drift toward war. Something similar occurred in 1989 when President George H.W. Bush rebuffed a proposal from Soviet President Mikhail Gorbachev for a power-sharing arrangement to bring the brutal Afghan civil war to an end.

Instead of working with Gorbachev, Bush listened to deputy national security adviser Robert Gates and other hardliners who believed, incorrectly, that the CIA-backed Afghan mujahedeen would quickly overthrow Najibullah’s communist regime in Kabul after the Soviets withdrew the last of their troops in February 1989.

Najibullah was far from an ideal negotiating partner, but his government was secular, had a workable bureaucracy and advanced the rights of women. The mujahedeen though touted by U.S. propaganda as “freedom-fighters” actually represented some of Afghanistan’s most reactionary elements, pushing a medievalist version of Islam, engaging in gruesome treatment of captives, and demanding the cruel subjugation of women.

The triumphalist choice by Bush and Gates, insisting on a clear-cut victory by the Muj over the Soviet-backed Najibullah, proved disastrous in a variety of ways: first, the mujahedeen failed to win on the expected Bush-Gates timetable; second, their cause degenerated into mindless brutality; third, the chaos opened the door to the Taliban, which took power in 1996 (and then murdered Najibullah); and fourth, a pathway was cleared for al-Qaeda to use Afghanistan as a base for terrorism. [For details, see Robert Parry’s *America’s Stolen Narrative.*]

Obama’s Dilemma

A similar dilemma confronts Obama in 2013, with the neocons and many other pundits hectoring him to intervene militarily to overthrow the secular regime of Bashar al-Assad, who generally represents Syrian minorities, including his own Alawite religion (an offshoot of Shiite Islam) and Christians from the Armenian diaspora.

Assad’s principal opponents are from Syria’s majority Sunni community which resents the favoritism toward the Alawites and other minorities. However, as the
Sunni uprising gained strength over the past two years, radical Islamist groups emerged as the most effective fighters and now dominate rebel-controlled territory.

This radicalization of the Sunni uprising can be traced to the Islamist tendencies of its chief benefactors, especially Saudi Arabia’s fundamentalist Sunni monarchy, which played a comparable role when it funneled hundreds of millions of dollars in military aid, through Pakistan, to the most right-wing elements of the Afghan mujahedeen.

Today, the Saudis are supplying weapons to hard-line Syrian rebels, via Turkey and Jordan, with comparable results, spurring a fight-to-the-death between Assad’s repressive secularists and the murderous Sunni fundamentalists. This reality was highlighted by the New York Times on Sunday, reporting the spread of Islamist rule across “liberated” sectors of Syria.

“Across Syria, rebel-held areas are dotted with Islamic courts staffed by lawyers and clerics, and by fighting brigades led by extremists,” wrote Times correspondent Ben Hubbard. “Even the Supreme Military Council, the umbrella rebel organization whose formation the West had hoped would sideline radical groups, is stocked with commanders who want to infuse Islamic law into a future Syrian government.

“Nowhere in rebel-controlled Syria is there a secular fighting force to speak of.”

With the black flags of Islamic extremism flying across rebel-held parts of Syria and with no matching militancy among the anti-Assad secularists the West can expect that the overthrow of Assad will lead to either the sort of violent chaos that enveloped Libya after the ouster and murder of Muammar Gaddafi or perhaps worse an Afghan-style outcome with Islamists allied with al-Qaeda in the heart of the Middle East.

Given those prospects, the best-of-the-bad solutions might be to work with the Russians and even the Iranians to negotiate a power-sharing coalition between Assad’s group and the more moderate Sunni factions. That, however, might require concessions from Obama and other Western leaders who have demanded Assad’s removal.

Obama faces intense opposition in Official Washington toward any concessions on Syria or Iran. The pundits from Fox News to the neocon Washington Post to some hosts on liberal MSNBC are clamoring for action. They complain that Obama should have intervened militarily much sooner and now after reports that Syria may have used chemical weapons in a limited fashion Obama has no choice but to
take aggressive action.

Virtually no one will countenance a counter-narrative that Obama’s big mistake was in not pressing for a negotiated solution two years ago. Back then, Washington’s conventional wisdom was that the Syrian uprising had to be supported, that Assad had to go, and that any idea of compromise had to be rejected. As in 1989 with Afghanistan, triumphalism prevailed regarding Syria.

So, facing a difficult reelection in 2012, Obama finessed the Syrian issue. Yet, even after he won a second term, he has remained frozen in inaction. Now it looks as if he is simply dragging his feet as he is pushed and pulled toward another disastrous Mideast war.

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).