

Clinton's Experience: Fact and Fantasy

From the Archive: Hillary Clinton's win in Saturday's Nevada caucuses and her big lead in South Carolina restore her status as Democratic frontrunner but lingering doubts about her honesty and her coziness to Big Money continue to dog her path to the White House, a problem that Barbara Koepfel identified during Clinton's first run in 2008.

By Barbara Koepfel (First published on April 15, 2008)

The problem for presidential candidate Hillary Clinton is how to stop kicking herself in the leg. Although she's scored real achievements over the years, when repeating her 35-years-of-experience mantra, she pushes the facts too far.

By now, her gaffes on Tuzla, Bosnia, where her claims of "landing under sniper fire" and "running for cover" are well-known. Ditto her lines on Northern Ireland where Nobel Peace Prize winner Lord Trimble of Lisnagarvey, Ireland, said she was "a wee bit silly" for exaggerating the part she played in bringing peace.

But if we reality-check some other claims, what *can* we say of her 35 years, on which she hopes to distinguish herself from Sen. Barack Obama, who has actually logged more years in elected posts, counting his years in the Illinois legislature?

To start with, for 14 of the 35 years that she's counting, Clinton was a full-time corporate litigator in Little Rock, Arkansas, at the Rose Law Firm. Further, for her White House years aside from her work as chair of the President's Task Force on Health Care Reform she served as First Lady, not policy maker.

While First Lady in Arkansas, she did, as she claims, help "transform the education system." Teachers and others there agree that, as chair of a commission to re-write Arkansas' deplorable education standards, she was effective. Among other things, the new norms raised teacher salaries and amounts spent per pupil, and reduced class size.

Since Arkansas ranked 49th out of America's 50 states in most educational measurements, and dead last in the percent of students who went on to college, the base was so low that any gains would be good. But it's a fact the numbers improved.

Add to the fact column her work on child welfare boards, like the Children's Defense Fund and the Arkansas Advocates for Children and Families.

Dubious Claims

Other claims, however, are downright dubious, if not terminal twaddle. Let's start with her now-impassioned concerns for workers' rights. This is surely an eyebrow-raiser, since her record on labor issues is roughly zero.

For example, she was on WalMart's Board of Directors from 1986-1992, a company legendary for its low wages and union busting. Not surprisingly, her official biography omits this six-year stint.

Nor does she mention it when she woos blue-collar workers. In an effort to expunge the WalMart connection, Clinton returned its \$5,000 campaign contribution to her in 2005.

According to Sam Ortega, a Wall Street Journal reporter and author of *In Sam We Trust: The Untold Story of Sam Walton and How Wal-Mart is Devouring America*, the company fiercely fought any union attempts to organize WalMart workers threatening, spying on and firing supporters, all illegal acts.

Ortega writes that, during a Teamsters' campaign at a distribution center, "Sam Walton bluntly told them he'd take away their profit-sharing if they voted for the union."

Further, Ortega says many workers "remember his (Walton's) threats with perfect clarity." He adds that one worker, Larry Havener, recalls, "He told us if the union got in, the warehouse would be closed."

Worse, Ortega writes, "union activists were soon laid off, always for some other stated reason, of course." Moreover, "Walton asked all employees to call John Tate the company's chief union-buster if they noticed anything that smacked of union activity," Ortega notes.

Low Wages

WalMart's devotion to low wages seems not to have lost Clinton any sleep. Ortega notes that in 1988 two years *after* Clinton joined the Board an Arkansas state senator publicly attacked the company for "dumping its overhead on state taxpayers, saying many of its near minimum-wage workers made so little they had to get by on public assistance."

Another problem plaguing the company was the use of child workers some as young as nine by its foreign suppliers: When shown photos of children in Saraka, a Bangladesh sweatshop that made WalMart-label shirts, the company claimed ignorance.

But in 1990, the Saraka plant had a fatal fire killing some 25 children, the year *before* WalMart contracted with the company. An NBC News report said the child workers were locked in the factory until they finished each day's production.

Moreover, despite her long-term concern for health care along with child welfare, Clinton's signature issues she stayed on the Board although Ortega says WalMart insured fewer than 40 percent of its workers.

Why? Perhaps it was Clinton's \$15,000 annual WalMart salary, which rose to \$45,000, for her service at four meetings a year, at a time her husband earned just \$35,000 as Governor. Perhaps it was her corporate lawyer role at the conservative Rose Law Firm in Little Rock, where she worked from 1978 until the couple moved to the White House. Perhaps it was Arkansas' "right-to-work" fundamentalism that made her mute. Whatever the motive, today's worries for working-blokes' concerns ring hollow.

Then there's NAFTA (the North American Free Trade Agreement), which passed on her husband's watch in 1994. Critics worried then, and insist now, that it caused the loss of hundreds of thousands of U.S. manufacturing jobs. Later, candidate Clinton claimed to have doubted NAFTA's merits from the start. But the record indicates otherwise. In 2004, she praised NAFTA as "good for New York and America."

Health-Care Choices

But more than any others, Clinton's claims about her desire to improve health coverage and care through her efforts as chair of President Clinton's health care task force are seriously flawed.

History and numbers tell the story best. In 1993, health care was a crisis for the U.S. public: 37 million Americans had none, and millions more had very little. Thus, public opinion polls ranked it as the number-two concern, second only to the economy since the country was in a recession.

A majority wanted universal health care: Even many providers and the American Medical Association initially favored some form of universal plan. The universal model adopted in Canada and most Western European countries, called the single-payer system, is not socialized medicine, as insurance companies repeat by rote.

Governments do not tell patients which doctors to see. Nor do they dictate what doctors may or may not do. Instead, it's a payment mechanism, like Medicare: The government pays the health care bills directly, rather than the insurance companies.

This way, overhead costs linked to billings are slashed: In 1993, when First Lady Clinton launched her health-care task force, a hospital official in Windsor, Canada, told me his costs associated with billing the Government for patient services accounted for just 9 percent of the hospital's budget, while the average U.S. hospital spent 14 percent a big difference in a multi-million-dollar budget. In Canada, the savings left huge sums for covering patient care.

Did Clinton's task force examine the single-payer option? Alas, it was never on the table. According to Vicente Navarro, a physician and professor of health and public policy at Johns Hopkins University, and a member of Clinton's task force, he tried repeatedly to get it considered, and failed.

In a 2007 CounterPunch article, "Why Hillary's Health Care Plan Really Failed," Navarro writes that although he promoted the views of the single-payer community (unions, grassroots organizations and many providers) "they were heard but not heeded. I had the feeling I was in the White House as a token."

Mixing Single-Payer

Why such disdain for the system used in most industrialized nations? Navarro says Bill Clinton was pushing the managed-competition model, backed by the insurance industry, where the companies "have full control over health-care providers." As proof, he writes that Bill Link, vice president of Prudential, stated that "For Prudential, the best scenario for reform would be ... managed competition."

The plan that Hillary Clinton's task force ultimately sent to the Senate failed to pass, but not, Navarro insists, because of "bad timing" or the "excessive generosity" of the plan's proposed benefits, as is generally believed. Rather, it died because President Clinton and Hillary Clinton refused to send a plan that was truly universal, and one around which the public could mobilize.

Thus, no plan was approved and insurance companies continued to control and prosper from the U.S. health-care model.

Fourteen years later (at the time of this article), another 10 million were uninsured and millions more were under-insured often impoverished by serious or even not-so-serious illnesses.

Again, why? Why rule out even a cursory discussion of single-payer models?

Navarro says Hillary Clinton told him a single-payer plan was not politically possible. But to pass NAFTA, the President twisted every congressional arm he needed to make the deal. So, why couldn't he use the bully pulpit to mount the same push for universal health care an issue on which most of the public agreed? One answer could be contributions from the insurance industry and those connected to it: According to the Center for Responsive Politics (CRP), over Bill Clinton's career, insurance industries rank among the top 20 donors, while law and the financial firms are among the top 10 the sectors often tightly linked to the insurance industry.

Fast forward to 2008 and, based on CRP figures, the industry continues its generosity, this time to Hillary Clinton giving \$913,000 to date. Obama has benefited too, with \$700,000.

(The complicated Clinton health-care plan failed in 1994, but President Barack Obama eventually pushed through a somewhat similar plan in 2010 although it still fell short of universal coverage, leaves many of the insured with high deductibles and has become a rallying point for Republican opposition to Obama and other Democrats.)

Since Bill Clinton and other Hillary supporters complained in 2008 that she was picked on by the press, she would do well if she only claimed what is legitimate. This way, the press would not have to flush out the fables.

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America's Slide toward Failed State

The blanket refusal of Senate Republican leaders to consider President Obama's choice to succeed Justice Scalia reflects a descent of the United States toward the kind of dysfunctional failed state that Washington normally upbraids, says ex-CIA analyst Paul R. Pillar.

By Paul R. Pillar

We Americans, usually quick to judge other societies by American standards, can become more self-aware by reversing the direction of the comparison and thinking of what the attributes of other nations might highlight about our own deficiencies.

Such comparisons can work in either of two ways. One is to observe how far the United States has fallen behind others in endeavors at which others excel and set the standards. Investment in transportation infrastructure, for example. Ride a train in Switzerland after riding one in the United States and the point becomes clear.

The other sort of comparison is to examine the troubles of other countries that are deeply troubled, with an eye toward identifying underlying problems that might also be found in the United States even though the United States has not gone as far down the troubled path, at least not yet. There is no shortage of countries, from Syria to Somalia to South Sudan, that we commonly label as politically unstable and that present grief for their own citizens, challenges for U.S. policymakers, and fodder for foreign policy pundits.

An attempt to identify underlying problems can come up with many things, involving the structure of civil society, ethnic divisions, and the like. But two very fundamental necessities for stable liberal democracy are in short supply in those trouble lands. One is the acceptance as legitimate of interests and viewpoints different from one's own. Such acceptance does not preclude continued sharp differences. Recognized legitimacy is not the same as agreement.

Opposing political positions can grow out of different interests or different views about the best way of pursuing a shared interest. Either way, what is required is acknowledgment that one's own side in a political contest does not necessarily have a monopoly on what is just, wise or moral, and that those on the other side have as much right to be part of the contest and of the give-and-take that feeds into national policy.

The other big necessity is a commitment to the entire political system that is

greater than commitment to any of the particular interests or objectives that get pursued through that system. This does not just mean an avowing of patriotism; expressions of nationalist sentiment are easy to come by even in troubled and unstable nations. What is needed is acknowledgment and genuine belief that the health and smooth functioning of the entire system are of paramount importance and that without them those more parochial interests could not be effectively pursued anyway.

The Republican posture of keeping the U.S. Supreme Court short-handed for a year, and thereby screwing up not just one but two terms of the court, solely to deny an appointment to the incumbent president and to try to hand that power to a hoped-for Republican successor, is the latest and most salient of several episodes that indicate a growing shortfall in the United States of these two essential conditions for stable liberal democracy.

There have been other episodes occurring with increasing frequency in recent years. These include blanket rejection, begun even before Justice Antonin Scalia's death, of anyone Barack Obama would nominate as an appellate judge. They include automatic opposition to the President's most important legislative initiatives, as seen most vividly with health care, on which the opposition has become an obsession pursued without regard to the conceptual origins of the particular legislation or its actual effects once enacted. And they include the use of extortion, with threats involving default on debt or shutdown of government, in pursuit of some matter involving the budget or a social issue.

This pattern exhibits a lack of the first requirement involving an acceptance of the opposing side's legitimacy. The outlook involved has been clear on an issue such as abortion, in which an opposing side get defined as not just wrong but as immoral. The outlook also has been applied personally to Barack Obama more than to any other U.S. president in modern times.

Suffusing through much of the reflexive opposition to his policies, and punctuated by the birther nonsense, has been a sense that he is somehow, well, not quite one of us and not quite a real American, that he is less a legitimate occupant of the Oval Office and more of a transient interloper there. To what extent this attitude is due, as many African-American supporters of Mr. Obama believe, to his race is impossible to determine definitively, but the attitude is too obvious to ignore.

The pattern also exhibits a shortfall in the second key requirement of stable liberal democracy, the greater value that must be placed on the political whole than on any more parochial interests. This shortfall is obviously present with the extortionate tactics involving damage to the nation's credit rating or to the operation of the entire government, as it is now with tactics threatening to

cripple the Supreme Court.

All of this goes beyond the damage that is due to intensified partisanship, which also has become worse in the United States over the past couple of decades and is bad enough just by itself. We are talking here about something more fundamental, and something that is alike in kind to what underlies the instability in any number of politically unstable countries on other continents.

The corresponding problem in the United States, though alike in kind, has not become alike in degree to those archetypical unstable countries from the Third World, again, not yet. But the trend is in the wrong direction, and those who care about the health of American democracy ought to be worried about that trend.

American citizens who do care, and at least as much, those who have been participating in some of the disturbing episodes mentioned above, ought to look at those unstable countries abroad and think the following thoughts.

First, there but for the grace of wise forefathers and other lucky circumstances of America go we.

Second, the critical ingredients of successful and stable liberal democracy are precious, not all that common in the world, and vulnerable to being lost. It may sound oxymoronic but is nevertheless true that political stability is fragile.

And finally, we need to ask ourselves continually what is more important: whatever specific policy issue has gotten people's dander up at the moment, or having a political system, healthy and effective as well as free, that enables us to argue and compete about such issues at all.

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How the Democratic Party Got Lost

Though the political odds still favor Hillary Clinton, her stumbling candidacy and dependence on vast sums of special-interest money reflect the weaknesses of the Democratic Party, which lost its way in the 1980s and 1990s, forgetting its historic role as defender of the little guy, as Michael Brenner explains.

By Michael Brenner

The Clinton juggernaut is losing traction. Powered by the full weight of the Democratic Establishment, it was designed to smoothly carry its idol across America and into the White House. It still may get there. But now it must traverse a far more treacherous and uncertain route than Hillary Clinton and her entourage ever imagined.

The course is lined with the pundits, operatives and analysts who will cover the spectacle with their usual attention to trivia and a faith in their own perspicacity which matches that of the heroine herself.

This was all predictable. For it conforms to the parochialism and inbreeding that for so long has infirmed the Democratic Party's leadership as well as the punditocracy. Fortunes could be made betting against the "Washington consensus" whose singular talent for getting it wrong extends from the country's endless skein of foreign misadventures to electoral politics.

They give the impression of all sipping out of each other's double-lattes at Starbucks in Dupont Circle. The resulting damage done to the party's traditional constituents, to the integrity of national discourse and to America's interests in the world is incalculable and may well be irreparable.

Still, it is worth recording the pathologies that this latest bruising encounter with reality reveal. Most obvious is the disconnect between political elites and the country they presume to know or aspire to govern. The success of Bernie Sanders makes that transparently clear. His greatest asset is simply that (even though he has served in the Senate as an Independent) he ran as a "Democrat" – that is, as representative of the party as forged in the mid-Twentieth Century and whose precepts conform to the socio-economic interests and philosophical truths typically held by most Americans today.

Sanders is the first presidential candidate to do so since Walter Mondale in 1984. Mondale's defeat convinced many pols that the future lay with the Reagan smorgasbord of discredited nostrums and myths repackaged by skillful political craftsmen as the new Revelation. Market fundamentalist economic models, a cartoonish version of American individualism a la Ayn Rand, financial libertinism, muscle-flexing abroad in the mantle of democratic proselytizing, and anti-government demagoguery were fashioned into an intoxicating cocktail.

It worked to the extent that the cheap high that it produced tapped latent racism, jingoism, evangelical Christian passions, and a new-found greedy selfishness which was the mutant offspring of 1960s liberation.

Disoriented Democrats badly miscalculated the danger, and in the process lost

sight of who they were. Most damaging, many found a comfortable niche in this new world of hallucination. Among them are the careerists, the trendy intellectuals*, and the ambitious politicians who thought that they had discovered the one route to recouping power and glory.

Together, they reshaped the Democratic Party into a me-too auxiliary to a waxing conservative movement. Today, it is radical reactionary Republicans who sweep elections at state and local levels, who hold an iron grip on the Congress, who have used their power to ruthlessly transform the judiciary into an active ally.

True, Democrats have won the White House twice. Bill Clinton did thanks to Ross Perot and then retained it against feeble opposition. In the process, he moved progressively to the Right in policy and philosophy ("the era of Big Government is over"). Republican ascendancy followed.

Only the Bush era collapse into disaster abroad and at home made possible Barack Obama who presented himself not as the embodiment of Democratic values but as a transcendent bipartisan healer – with just a few vermilion strokes. A prophet without message or mission. Whatever liberal ideas he had sounded were swiftly abandoned in what is surely the most shameless bait-and-switch in American political history.

This was predictable. After all, he thrice cited Ronald Reagan as the man who most influenced his view of the Presidency. His administrations arguably were oriented to the Right of Richard Nixon on civil liberties as well as on economic and social programs. Look it up.

His White House actually took delight in maligning "Progressives" as made manifest in Chief of Staff Rahm Emanuel's cursing out of their representatives personally within its walls. That was the administration of which Hillary Clinton, the born-again "progressive," was a mainstay.

The cause already was abandoned in his first months in office when the Democrats held majorities in both houses of Congress. Indeed, Obama's embrace of the Wall Street barons was what allowed the Tea Party to channel popular anger and fear into a well-financed anti-government, know-nothing movement which nowadays dominates the political landscape. Hence, Obama drove the final nails into the coffin of the old Democratic Party.

This evolution of American politics in effect disenfranchised something like 20 percent of the electorate. They are Bernie Sanders's constituency. It's as simple as that. Personalities do play a role, but it is a secondary one. Sanders as a person stands out for his integrity, his earnestness, for his truth-telling, for his transparent decency. It is the message, though, that counts

above all.

An old Brooklyn Jew who advertises himself as a “Socialist” is not a compelling figure on the political stage. Intelligent and well-informed on domestic matters, he is not a phrase-maker, not verbally nimble, an incurably respectful gentleman, and largely disengaged from foreign policy where Hillary was custodian of ACT II in the pageant of American failure and fiasco in the Middle East.

In addition, Sanders feels inhibited about attacking the misdeeds of the Obama years out of a concern for estranging black voters, and turning the President from Hillary’s tacit ally into an active ally. Yet, he has made history with unprecedented accomplishments in the teeth of implacable opposition from the entire political and media establishment. At the moment, Sanders nearly has caught Hillary in the national polls and actually performs marginally better in hypothetical contests against the major Republican contenders.

Clinton’s shortcomings and failures are aggravated by the widespread distrust that she engenders. That was evident a year ago. She has had higher “negatives” in polls than any serious candidate ever. So why was she crowned even before the contest began? Why did no other candidates present themselves? Why did Democratic bigwigs feel so complacent at the prospect of another electoral setback?

One common answer is that there was nobody else. Decimated at the state level, and lacking fresh blood in the Senate, they have a very thin squad. For the better part of a decade, Harry Reid has been the face of the Democratic Party outside of the White House and during Obama’s romantic non-partisanship phases, its face country-wide.

Still, someone like former Maryland Gov. Martin O’Malley could have been promoted as a credible candidate had the party leaders the will to do so. Compare him to George W. Bush in 2000. The Republicans molded that non-entity into a winner with relative ease. Democrats had much more to work with in O’Malley.

Or, they could have rallied behind Elizabeth Warren. Admittedly, she wasn’t interested. Just think, though, of what could have happened had she been persuaded to run. For one thing, she quickly would have eclipsed Hillary as the frontrunner. Razor sharp, personable, with a blue-steel edge to her words, and resolute she likely would have delivered the Last Rites to Clinton by Super Tuesday.

And then imagine her against any of the Republicans hopefuls whose only chance

of winning turns on Clinton's negatives. A Warren Republican X contest, moreover, would have raised the prospect of a Democratic comeback across the board that is utterly beyond Clinton's capabilities.

The principal reason the Democratic Establishment lined up behind Hillary Clinton in lockstep is their lack of conviction and a political timidity that arises from 1) capture by the big donors, and 2) past failures that have sapped self-confidence. Their uniform commitment to a flaccid orthodoxy has been evident for all to see these past few weeks as Hillary Clinton's supporters hit the panic button. It has not been a pretty performance.

From the Editors of *The New York Times* and Paul Krugman (who now sees Hillary Clinton as the heir to Obama whom he hagiographically refers to as "one of the most consequential and successful Presidents in American history") to the feminist brigade headed by Gloria Steinem and Madeleine Albright, Democratic stalwarts have embarrassed themselves by their contrived and specious arguments for Clinton.

This is not to say that there isn't a reasonable and logical case to be made for voting for her. It is the falsity of the presentation by those eminences that reveals the hollowness at the party's core. Its leaders never miss an opportunity to display their political obtuseness and fearfulness about leaving their very narrow, personal comfort zone.

The blunt truth is that the Democratic leadership has been meek and fearful for decades. They can't stand the sight of blood especially if it's their opponents. It took Newt Gingrich in 2012 to make an issue of predatory hedge funds and private equity. Reluctantly picked up by Obama, it resonated well so well that a gaggle of Wall Street operatives led by Steven Ratner called the White House to express vehemently their displeasure. Obama pulled the ads. (Jane Meyer *Dark Money*).

Now it is Donald Trump who boldly steps forth to declare that the intervention in Iraq was based on lies, and that it is the source of our current troubles in the region. No Democrat, including Sanders, is ready to make that case with equal force. None has since 2008. One can go on and on. It's a loser's mentality. You don't get to the White House by walking on eggshells.

In the end, Hillary Clinton in all likelihood will be the nominee. Equally true, she will arrive at the convention in Philadelphia D.O.A. That is to say, D.O.A. if the Republicans somehow free themselves from their adrenalin-soaked tantrum to nominate a sensible candidate. For the Democrats' one hope is that the opposition continue on its suicidal track that runs parallel to their own. Such is the state of American politics.

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Hillary Clinton and the Dogs of War

Former Secretary of State Clinton grudgingly admits her Iraq War vote was a “mistake,” but it was not a one-off misjudgment. Clinton has consistently stood for a war-like U.S. foreign policy that ignores international law and relies on brinkmanship and military force, writes Nicolas J S Davies.

By Nicolas J S Davies

A poll taken in Iowa before the presidential caucus found that 70 percent of Democrats surveyed trusted Hillary Clinton on foreign policy more than Bernie Sanders. But her record as Secretary of State was very different from that of her successor, John Kerry, who has overseen groundbreaking diplomatic breakthroughs with Iran, Cuba and, in a more limited context, even with Russia and Syria.

In fact, Clinton’s use of the term “diplomacy” in talking about her own record is idiosyncratic in that it refers almost entirely to assembling “coalitions” to support U.S. threats, wars and sanctions against other countries, rather than to peacefully resolving international disputes without the threat or use of force, as normally understood by the word “diplomacy” and as required by the UN Charter.

There is another term for what Clinton means when she says “diplomacy,” and that is “brinkmanship,” which means threatening war to back up demands on other governments. In the real world, brinkmanship frequently leads to war when neither side will back down, at which point its only value or purpose is to provide a political narrative to justify aggression.

The two main “diplomatic” achievements Clinton gives herself credit for are: assembling the coalition of NATO and the Arab monarchies that bombed Libya into endless, intractable chaos; and imposing painful sanctions on the people of Iran over what U.S. intelligence agencies concluded by 2007 was a peaceful civilian nuclear program.

Clinton’s claim that her brinkmanship “brought Iran to the table” over its “nuclear weapons program” is particularly deceptive. It was in fact Secretary Clinton and President Obama who refused to take “Yes” for an answer in 2010, after Iran agreed to what was originally a U.S. proposal relayed by Turkey and

Brazil. Clinton and Obama chose instead to keep ratcheting up sanctions and U.S. and Israeli threats. This was a textbook case of dangerous brinksmanship that was finally resolved by real diplomacy (and real diplomats like Kerry, Russian Foreign Minister Sergei Lavrov and Iranian Foreign Minister Javad Zarif) before it led to war.

That Clinton can peddle such deceptive rhetoric to national prime-time television audiences and yet still be considered trustworthy on foreign policy by many Americans is a sad indictment of the U.S. corporate media's coverage of foreign policy, including a willful failure to distinguish between diplomacy and brinksmanship.

But Michael Crowley, now the senior foreign affairs correspondent for *Politico*, formerly with *Time* and the *New Republic*, has analyzed Clinton's foreign policy record over the course of her career, and his research has shed light on her Iraq War vote, her personal influences and her underlying views of U.S. foreign policy, all of which deserve serious scrutiny from American voters.

The results of Crowley's research reveal that Clinton believes firmly in the post-Cold War ambition to establish the U.S. threat or use of force as the ultimate arbiter of international affairs. She does not believe that the U.S. should be constrained by the UN Charter or other rules of international law from threatening or attacking other countries when it can make persuasive political arguments for doing so.

This places Clinton squarely in the "humanitarian interventionist" camp with her close friend and confidante Madeleine Albright, but also in underlying if unspoken agreement with the "neocons" who brought us the Iraq War and the self-fulfilling and ever-expanding "war on terror."

Neoconservatism and humanitarian interventionism emerged in the 1990s as parallel ways to exploit the post-Cold War "power dividend," each with its own approach to overcoming legal, diplomatic and political obstacles to the unbridled expansion of U.S. military power. In general, Democratic power brokers favored the humanitarian interventionist approach, while Republicans embraced neoconservatism, but their underlying goals were the same: to politically legitimize U.S. hegemony in the post-Cold War era.

The most self-serving ideologues, like Robert Kagan and his wife Victoria Nuland, soon mastered the nuances of both ideologies and have moved smoothly between administrations of both parties. Victoria Nuland, Dick Cheney's deputy foreign policy adviser, became Secretary Clinton's spokesperson and went on to plan the 2014 coup in Ukraine. Robert Kagan, who co-founded the neocon Project for the New American Century with William Kristol in 1997, was appointed by

Clinton to the State Department's Foreign Affairs Policy Board in 2011.

Kagan wrote of Clinton in 2014, "I feel comfortable with her on foreign policy. If she pursues a policy which we think she will pursue, it's something that might have been called neocon, but clearly her supporters are not going to call it that; they are going to call it something else."

In the Clinton White House

In her husband's White House in the 1990s, Hillary Clinton was not an outsider to the foreign policy debates that laid the groundwork for these new ideologies of U.S. power, which have since unleashed such bloody and intractable conflicts across the world.

In 1993, at a meeting between Clinton's transition team and Bush's National Security Council, Madeleine Albright challenged then Chairman of the Joint Chiefs of Staff Colin Powell on his "Powell Doctrine" of limited war. Albright asked him, "What's the point of having this superb military you're always talking about if we can't use it?"

Hillary Clinton found common ground with Albright, and has likewise derided the Powell doctrine for limiting U.S. military action to "splendid little wars" like the invasions of Grenada, Panama and Kuwait, apparently forgetting that these are the only wars the U.S. has actually won since 1945.

Hillary Clinton reportedly "insist(ed)" on Albright's nomination as Secretary of State in December 1996, and they met regularly at the State Department during Bill Clinton's second term for in-depth foreign policy discussions aided by White House and State Department staff. Albright called their relationship "an unprecedented partnership."

With Defense Secretary William Cohen, Albright oversaw the crystallization of America's aggressive post-Cold War foreign policy in the late 1990s. As UN Ambassador, she maintained and justified sanctions on Iraq, even as they killed hundreds of thousands of children. As Secretary of State, she led the push for the illegal U.S. assault on Yugoslavia in 1999, which set the fateful precedent for further U.S. violations of the U.N. Charter in Afghanistan, Iraq, Pakistan, Somalia, Yemen, Libya and Syria.

James Rubin, Albright's State Department spokesman, remembers strained phone calls between Albright and U.K. Foreign Secretary Robin Cook during the planning for the bombing of Yugoslavia. Cook told Albright the U.K. government was having problems "with its lawyers" because attacking Yugoslavia without authorization by the U.N. Security Council would violate the UN Charter. Albright told him the U.K. should "get new lawyers."

Like Secretary Albright, Hillary Clinton strongly supported NATO's illegal aggression against Yugoslavia. In fact, she later told *Talk* magazine that she called her husband from Africa to plead with him to order the use of force. "I urged him to bomb," she said, "You cannot let this go on at the end of a century that has seen the major holocaust of our time. What do we have NATO for if not to defend our way of life?"

After the U.S.-U.K. bombing and invasion, the NATO protectorate of Kosovo quickly descended into chaos and organized crime. Hashim Thaci, the gangster who the U.S. installed as its first prime minister, now faces indictment for the very war crimes that U.S. bombing enabled and supported in 1999, including credible allegations that he organized the extrajudicial execution of Serbs to harvest and sell their internal organs.

On Clinton's holocaust reference, the U.S. and U.K. did carpet-bomb Germany at the height of the Nazi Holocaust, but bombing could not stop the genocide of European Jews any more than it can have a "humanitarian" impact today. The Western allies' decision to rely mainly on bombing throughout 1942 and 1943 while the Red Army's "boots on the ground" and the civilians in the concentration camps died in their millions cast a long shadow on today's policy debates over Syria, Iraq and Libya.

War is always an atrocity and a crime, but relying on bombing and drones to avoid putting "boots on the ground" is uniquely dangerous because it gives politicians the illusion that they can wage war without political risk. In the longer term, from London in the Blitz to Vietnam, Cambodia and Laos to Islamic State and drone victims today, bombing has always been the surest way to provoke righteous anger, stiffen resistance and reap a whirlwind of blowback.

The 140,000 bombs and missiles the U.S. and its allies have rained down on at least seven countries since 2001 are the poisonous seeds of a harvest of intractable conflict that is still gathering strength after 14 years of war.

The Clinton administration formalized its illegal doctrine of unilateral military force in its 1997 Quadrennial Defense Review, declaring, "When the interests at stake are vital we should do whatever it takes to defend them, including, when necessary, the unilateral use of military power. U.S. vital national interests include preventing the emergence of a hostile regional coalition (and) ensuring uninhibited access to key markets, energy supplies and strategic resources."

Arguments based on "vital interests" are dangerous precisely because they are politically persuasive to the citizens of any country. But this is precisely the justification for war that the U.N. Charter was designed to prohibit, as the

U.K.'s senior legal adviser, Sir Gerald Fitzmaurice, explained to his government during the Suez crisis in 1956. He wrote, "The plea of vital interest, which has been one of the main justifications for wars in the past, is indeed the very one which the U.N. Charter was intended to exclude."

Senator Clinton's Iraq War Vote

Sixteen years after the bombing of Yugoslavia, bombing to "prevent holocausts" and wars to "defend" ill-defined and virtually unlimited U.S. interests have succeeded only in launching a new holocaust that has killed at least 1.6 million people and plunged a dozen countries into intractable chaos.

As Republican Senator Lincoln Chafee wrote of his colleagues who voted to authorize war on Iraq in 2002, "Helping a rogue President start an unnecessary war should be a career-ending lapse of judgment..."

As the results of that decision keep spinning farther out of control, it seems increasingly remarkable that U.S. officials who authorized a war based on lies with millions of lives in the balance still have careers in public policy. If it costs Clinton another presidential nomination, that is a small price to pay when weighed against the holocaust she helped to unleash on tens of millions of people.

But what if her vote for an illegal and devastating war was not a momentary "lapse of judgment", but was in fact consistent with her views then and her views now?

As the Bush administration lobbied senators to support the Iraq AUMF in 2002, Senator Clinton had several private chats with Deputy National Security Advisor Stephen Hadley, an old friend from Yale Law School. An unnamed Bush official, possibly Hadley, told Michael Crowley, "I was kind of pleasantly surprised by her attitude."

But Albright's former assistant James Rubin was not surprised by Clinton's vote on Iraq. He found it consistent with the position of the Clinton administration and Albright's State Department that U.S. "diplomacy" must be backed up by the threat of military force.

"I think there is a connection to her vote," Rubin told Michael Crowley, "which is recognizing that the right combination of force and diplomacy (sic) can achieve America's objectives. Sometimes, to get things done – like getting inspectors back into Iraq – you do have to be prepared to threaten force."

But this evades the critical question of U.S. obligations under the U.N. Charter, which prohibits the threat and use of force. Senator Levin introduced

an amendment to the Iraq AUMF bill that would have only authorized the use of force if it was approved by the U.N. Security Council. Senator Clinton voted against that amendment, making it clear that she supported the threat and use of force against Iraq whether it was legal or not.

Clinton has defended her vote on the basis of providing a credible threat of force to back up the call for inspections, in keeping with her long-standing preference for threats and brinkmanship over diplomacy. But the problem with threats of force is that they often lead to the use of force, as we have now seen repeatedly since the U.S. has embraced this aggressive and illegal approach to international affairs.

This is exactly why the U.N. Charter prohibits the threat as well as the use of force. The absolute priority of world leaders in 1945 was peace, and so the U.N. Charter prohibited both the threat and use of force, based on bitter experience of how the one so easily leads to the other.

The fundamental shift in U.S. foreign policy since the 1980s has been to renounce peace as an overriding priority and to politically legitimize U.S. war-making. The U.S. has therefore, without public debate, abandoned FDR's post-WWII "permanent structure of peace" based on the U.N. Charter. The U.S. also withdrew from the compulsory jurisdiction of the International Court of Justice, after it found the U.S. guilty of aggression against Nicaragua in 1986, and it likewise rejects the jurisdiction of the new International Criminal Court.

U.S. government lawyers now pass off political arguments as legal cover for aggression, torture, killing civilians and other war crimes, secure in the knowledge that they will never be forced to defend their legally indefensible opinions in impartial courts.

When President George W. Bush unveiled his illegal "doctrine of preemption" in 2002, Sen. Edward Kennedy called it, "a call for Twenty-first Century American imperialism that no other nation can or should accept."

But the same must be said of this entire decades-long effort by the Clintons, Bushes, Albright, Cheney and others to liberate the U.S. military industrial complex from the restraints placed upon it by the rule of international law.

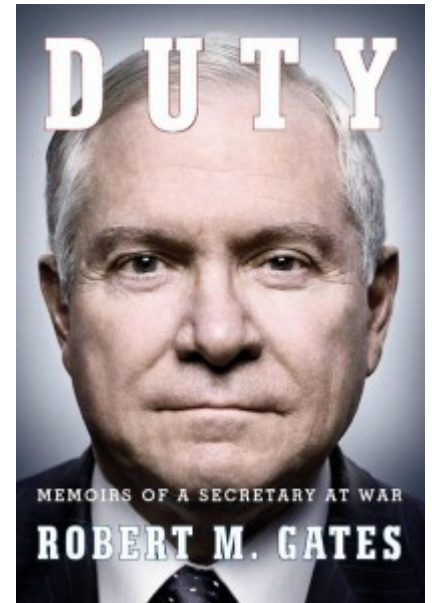
Secretary of State – Iraq and Afghanistan

Hillary Clinton's actions as Secretary of State were consistent with her role working with her husband and Madeleine Albright in the 1990s, and in the Senate with the Bush administration, to fundamentally corrupt U.S. foreign policy.

Robert Gates's book, *Duty: Memoirs of a Secretary at War*, has provided revealing

insights into Clinton's personal contributions to White House foreign policy debates on the vital issues of Obama's first term, in which she was always the most hawkish of Obama's senior advisers, more hawkish than his Republican Secretary of Defense.

At Clinton's first "town hall" with foreign service officers at the State Department, Steve Kashkett of the American Foreign Service Association asked Clinton how soon the State Department's deployment of 1,200 staff to the massive U.S. occupation headquarters in Baghdad would be reduced "to that of a normal diplomatic mission" to ease critical understaffing at other U.S. embassies all over the world.



Clinton instead launched a "civilian surge," doubling the already overweight State Department deployment in Baghdad to 2,400. When the Iraqi government refused to allow 3,000 U.S. troops to remain in Iraq to protect the embassy staff – and Clinton had wanted even more than that – she hired 7,000 heavily-armed mercenaries to do the job instead.

As Clinton doubled down on the failed U.S. effort to control a puppet government in Iraq whose courageous people's resistance had already made U.S. military occupation unsustainable, she was also keen to put the lives of more U.S. troops on the line in the even longer-running quagmire in Afghanistan.

When President Obama took office, there were 34,400 U.S. troops in Afghanistan, but only 645 had been killed in seven years of combat. A Pew poll found that only 18 percent of Afghans surveyed wanted more U.S. troops in their country.

Secretary Clinton backed Obama's first decision to commit an additional 30,000 troops to the war. Then, in mid-2009, General Stanley McChrystal submitted a request for a second increase of 40,000 troops. He also submitted a classified assessment that a genuine campaign to defeat the Taliban and its allies would require 500,000 U.S. troops for five years, acknowledging that neither 65,000 nor 105,000 troops could possibly achieve that.

Clinton supported McChrystal's request and was eager to match it with a State Department "civilian surge" like the one in Iraq. Among Obama's other advisers,

Vice President Joe Biden opposed any further escalation, while Secretary Gates recommended a smaller increase of 30,000 troops, which was what Obama ultimately approved.

When Obama and his aides debated the withdrawal of U.S. troops from Afghanistan, Clinton was again the most hawkish, arguing for no reduction in troop strength until 2013. In a typically arbitrary political compromise, Obama split the difference between Clinton and the doves and ordered the first withdrawals to begin in September 2012.

By the time the U.S. "combat mission" ended in 2014, 2,356 U.S. troops had met their deaths in the "graveyard of empires." In 2016, the Taliban and its allies control more of Afghanistan than at any time since 2001, as they fight to expel the 10,000 U.S. troops still deployed there.

A complete withdrawal of foreign troops has always been the Taliban's first precondition for opening serious peace talks with the government, so the 2009-10 escalations, which Clinton backed to the hilt, served only to kill 1,711 more Americans and tens of thousands of Afghans, prolonging the war and undermining diplomacy in the futile hope of saving a corrupt regime of U.S.-backed warlords and drug-lords.

President Obama's latest plan, to keep at least 5,500 U.S. troops in Afghanistan indefinitely, ensures that the war will continue into the next administration, even as Islamic State begins to move into another failed state already devastated by more than 60,000 U.S. bombs and missiles.

Secretary of State – Libya and Syria

President Obama's advisers were even more divided over launching a new war to overthrow the government of Libya. Despite Secretary Gates telling a Congressional hearing that the first phase of a "no-fly zone" would be a bombing campaign to destroy Libyan air defenses, a Pew poll found that, while 44 percent of the public supported a "no-fly zone," only 16 percent supported "bombing Libyan air defenses." Even after being caught with its pants down over Iraq, the U.S. corporate media has not lost its talent for confusing Americans into war.

Secretary Gates wrote in *Duty* that he was so opposed to U.S. intervention in Libya that he considered resigning. President Obama was so undecided that he called his final decision a "51-49 call." The other advocates for bombing were U.N. Ambassador Susan Rice and National Security Council staffers Ben Rhodes and Samantha Power, so Secretary Clinton was the most senior, and almost certainly the decisive voice in sealing the fate of Muammar Gaddafi and the people of Libya.

Despite a U.N. resolution that authorized military force only to “protect civilians,” the U.S. and its allies intervened to support forces who were explicitly fighting to overthrow the Libyan government. NATO and its Arab monarchist allies conducted 7,700 air strikes in seven months, while NATO warships shelled coastal cities. The rebel forces on the ground, including Islamist fundamentalists, were trained and led on the ground by Qatari, British, French and Jordanian special forces.

In their short-sighted triumphalism over Libya, NATO and Arab monarchist leaders thought they had finally found a model for regime change that worked. Seduced by the blood-drenched mirage in the Libyan desert, they made the cynical decision to double down on what they knew very well would be a longer, more complicated and bloodier proxy war in Syria.

Only a few months after a gleeful Secretary Clinton hailed the sodomy and assassination of Gaddafi, unmarked NATO planes were flying fighters and weapons from Libya to the “Free Syrian Army” training base at Iskenderum in Turkey, where British and French special forces provided more training and the CIA and JSOC infiltrated them into Syria.

Residents of Aleppo were shocked to find their city invaded, not by Syrian rebels, but by Islamist fighters from Chechnya, Uzbekistan, Jordan, Saudi Arabia, Iraq and Egypt. Despite the already brutal repression of the Syrian government, a Qatari-funded YouGov poll in December 2011 found that 55 percent of Syrians still supported their government, understanding that the alternative could be much worse.

Secretary Clinton and French President Nicolas Sarkozy assembled the Orwellian “Friends of Syria” coalition that undermined Kofi Annan’s 2012 peace plan by committing more funding, arms and support to their proxy forces instead of pressuring them to honor Annan’s April 10th ceasefire and begin negotiations for a political transition.

When Annan finally got all the countries involved to sign on to the Geneva communique on June 30, 2012, providing for a new ceasefire and a political transition, he received assurances that it would quickly be formalized in a new U.N. Security Council resolution. Instead, Clinton and her allies revived their precondition that President Assad must resign before any transition could begin, the critical precondition they had set aside in Geneva. With no possibility of agreement in the Security Council, Annan resigned in despair.

Almost four years later, hundreds of thousands of Syrians have been killed in an ever more convoluted and dangerous war, now involving the armed forces of 16 countries, each with their own interests and their own relationships with

different proxy forces on the ground. In many areas, the U.S. supports and arms both sides.

Turkey, a NATO member and major U.S. arms buyer, is attacking the YPG Kurdish forces who have been the U.S.'s most effective ally on the ground against Islamic State. And the sectarian government to whom the U.S. handed over the ruins of Iraq is sending U.S.-armed militias to fight U.S.-armed rebels in Syria.

Obama's and Clinton's doctrine of covert and proxy war, by which they still tout drone strikes, JSOC death squads, CIA coups and local proxy forces as politically safe "tools" to project U.S. power across the world without the deployment of U.S. "boots on the ground," has destroyed Libya, Yemen, Syria and Ukraine, and left U.S. foreign policy in an unprecedented crisis.

Hanging over this escalating, out-of-control crisis is the existential danger of war between the U.S. and Russia, who together possess 14,700 nuclear weapons with the destructive power to end life on Earth as we know it. With her demonstrated, deeply-held belief in the superiority of threats, brinkmanship and war over diplomacy and the rule of law, surely the last thing the world needs now is Hillary Clinton playing chicken with the Russians while the fate of life on Earth hangs in the balance.

Based on Sen. Bernie Sanders' record in Congress, his prescient floor speech during the Iraq War debate in 2002 and his campaign's position statement on "War and Peace", he at least understands the most obvious lesson of U.S. foreign policy in the post-Cold War era, that it is easier to unleash the dogs of war than to call them off once they have tasted blood. Incredibly, this makes him almost unique among U.S. leaders of this generation.

But there are real flaws in Sanders's position statement. He cites "vital strategic interests" as a justification for war, dodging the thorny problem that international disputes typically involve "vital strategic interests" on both sides, which the U.N. Charter addresses by requiring them to be resolved peacefully without the threat or use of force.

And instead of pointing out that Clinton's brinkmanship with Iran risked a second war in 10 years over non-existent WMDs, he repeats the canard that Iran was "developing nuclear weapons" before the signing of the JCPOA in 2015.

Sen. Sanders has launched an unprecedented campaign to challenge the way powerful vested interests have corrupted our elections, our political system and our economy. But the same interests have also corrupted our foreign policy, squandering our national wealth on weapons and war, killing millions of people

and plunging country after country into war, ruin and chaos.

To succeed, the Sanders “revolution” must restore integrity to our country’s role in the world as well as to our political and economic system.

Nicolas J S Davies is the author of *Blood On Our Hands: the American Invasion and Destruction of Iraq*. He also wrote the chapters on “Obama at War” in *Grading the 44th President: a Report Card on Barack Obama’s First Term as a Progressive Leader*.

Risking Nuclear War for Al Qaeda?

Exclusive: The risk that the multi-sided Syrian war could spark World War III continues as Turkey, Saudi Arabia and U.S. neocons seek an invasion that could kill Russian troops – and possibly escalate the Syrian crisis into a nuclear showdown, amazingly to protect Al Qaeda terrorists, reports Robert Parry.

By Robert Parry

When President Barack Obama took questions from reporters on Tuesday, the one that needed to be asked but wasn’t was whether he had forbidden Turkey and Saudi Arabia to invade Syria, because on that question could hinge whether the ugly Syrian civil war could spin off into World War III and possibly a nuclear showdown.

If Turkey (with hundreds of thousands of troops massed near the Syrian border) and Saudi Arabia (with its sophisticated air force) follow through on threats and intervene militarily to save their rebel clients, who include Al Qaeda’s Nusra Front, from a powerful Russian-backed Syrian government offensive, then Russia will have to decide what to do to protect its 20,000 or so military personnel inside Syria.

A source close to Russian President Vladimir Putin told me that the Russians have warned Turkish President Recep Tayyip Erdogan that Moscow is prepared to use tactical nuclear weapons if necessary to save their troops in the face of a Turkish-Saudi onslaught. Since Turkey is a member of NATO, any such conflict could quickly escalate into a full-scale nuclear confrontation.

Given Erdogan’s megalomania or mental instability and the aggressiveness and inexperience of Saudi Prince Mohammad bin Salman (defense minister and son of King Salman), the only person who probably can stop a Turkish-Saudi invasion is

President Obama. But I'm told that he has been unwilling to flatly prohibit such an intervention, though he has sought to calm Erdogan down and made clear that the U.S. military would not join the invasion.

So far, Erdogan has limited Turkey's direct military attacks on Syria to cross-border shelling against U.S.-backed Kurdish forces that have seized territory from the Islamic State (also known as ISIS) in northern Syria. Turkey considers the Kurdish fighters, known as YPG, to be terrorists but the U.S. government sees them as valuable allies in the fight against Islamic State terrorists, an Al Qaeda spinoff that controls large swaths of Syria and Iraq.

But Erdogan's short fuse may have grown shorter on Wednesday when a powerful car bomb killed at least 28 people in Turkey's capital of Ankara. The bomb apparently targeted a military convoy and Turkish officials cast suspicion on Kurdish militants who also have been under assault from Turkish forces inside Turkey.

Though showing no evidence, Turkish officials suggested the attack may have been sponsored by Iran or Russia, another sign of how complicated the geopolitical morass in Syria has become. "Those who think they can steer our country away from our goals by using terrorist organizations will see that they have failed," declared Erdogan, according to The Wall Street Journal.

(On Wednesday night, Turkey retaliated for the Ankara bombing by launching airstrikes against Kurdish targets in northern Iraq.)

The dilemma for Obama is that many traditional U.S. allies, such as Turkey, Saudi Arabia and Qatar, have been the principal backers and funders of Sunni terror groups inside Syria, including Al Qaeda's Nusra Front and to a lesser degree the Islamic State. Now, the "allies" want the United States to risk a nuclear confrontation with Russia to, in effect, protect Al Qaeda.

Biden Blurts Out Truth

The twisted reality was acknowledged by no less an authority than Vice President Joe Biden during a talk at Harvard in 2014. Biden answered a student's question by saying Turkey, Saudi Arabia and the United Arab Emirates had "poured hundreds of millions of dollars and tens, thousands of tons of weapons into anyone who would fight against [Syrian President Bashar al-] Assad." The result, Biden said, was that "the people who were being supplied were Al Nusra and Al Qaeda and the extremist elements of jihadis coming from other parts of the world."

The risks from these tangled alliances were also highlighted by a Defense Intelligence Agency report in August 2012, warning the Obama administration that the growing strength of Al Qaeda and other Sunni jihadists in Syria could lead

to the creation of “an Islamic state” whose militants could move back into Iraq where the threat originated after the U.S. invasion of Iraq.

The DIA said Al Qaeda’s growing strength in Syria “creates the ideal atmosphere for AQI [Al Qaeda in Iraq] to return to its old pockets in Mosul and Ramadi and will provide a renewed momentum under the presumption of unifying the jihad among Sunni Iraq and Syria and the rest of the Sunnis in the Arab world against what it considers one enemy, the dissenters [i.e. the Shiites].

“ISI [Islamic State of Iraq, forerunner of ISIS, also known as the Islamic State] could also declare an Islamic state through its union with other terrorist organizations in Iraq and Syria, which will create grave danger in regards to unifying Iraq and the protection of its territory.”

Despite the prescient DIA report and Biden’s blunt admission (for which he quickly apologized), President Obama failed to put a stop to the strategy of supporting Assad’s opponents. He let Saudi Arabia, Qatar and Turkey continue funneling weapons to the most extreme elements of the rebellion. Meanwhile, the U.S. government insisted that it was only arming “moderate” rebels, but those groups were largely subsumed or controlled by Al Qaeda’s Nusra and/or ISIS, a hyper-violent spinoff from Al Qaeda.

In Syria, rather than cooperate with Russia and Iran in helping Assad’s military defeat the jihadists, the Obama administration has continued playing it cute, insisting as Secretary of State John Kerry has said recently that armed “legitimate opposition groups” exist separately from Al Qaeda’s Nusra Front.

In reality, however, the so-called “moderate” rebels around Aleppo and Idlib are Al Qaeda’s junior partners whose value to the cause is that they qualify for CIA weaponry that can then be passed on to Nusra as well as Nusra’s key ally Ahrar al-Sham and other jihadist fighters.

Nusra and Ahrar al-Sham, the chief elements of the Saudi-created “Army of Conquest,” deployed U.S. TOW missiles to devastating effect against the Syrian army in the jihadists’ victory last year in Idlib province, a success that finally prompted Putin to commit Russian air power to defend the Syrian government last September.

Helping the Islamic State

Meanwhile, Turkey has left about 100 kilometers of its border open for various jihadist groups to bring in reinforcements and weapons while letting the Islamic State smuggle out oil for sale on the black market. Last fall, after Russia (and a reluctant United States) began bombing ISIS oil-truck convoys, Turkey shot down a Russian bomber near Turkey’s border, leading to the deaths of the pilot

and a rescuer.

Now, as the Russian-backed Syrian army makes major gains against the Nusra-dominated rebels around Aleppo and encroaches on Islamic State territory near Raqqa and as U.S.-backed Kurdish forces also advance against ISIS Turkey's Erdogan has grown frantic over the prospects that his five-year project of aiding Syrian jihadists may be collapsing.

Amid this desperation, Turkey has been urging President Obama to support a limited invasion of Syria to create a "safe zone," supposedly to protect Syrian rebels and civilians in northern Syria. But that humanitarian-sounding plan may well be a cover for a more ambitious plan to march to Damascus and forcibly remove President Assad from power.

That is a goal shared by Turkey, Saudi Arabia and other Sunni states along with Israel and America's influential neoconservatives and their "liberal interventionist" sidekicks. For his part, Obama has called on Assad "to go" but has favored diplomatic negotiations to achieve that end. Russia has advocated a political settlement with free elections so the Syrian people can decide Assad's future themselves.

The Russians also keenly remember the West's subterfuge regarding Libya in 2011 when the U.S. and its NATO allies pushed a "humanitarian" resolution through the United Nations Security Council supposedly to protect Libyan civilians but then used it to achieve violent "regime change," a classic case of the camel getting its nose into the tent.

On Syria, Russia watched for years as the United States, Turkey, Saudi Arabia, Qatar and other Sunni states supported various Sunni rebel groups seeking to overthrow Assad, an Alawite, representing a branch of Shiite Islam. Though Assad has been widely criticized for the harsh response to the uprising, he maintains a secular government that has protected Christians, Alawites, Shiites and other minorities.

Besides being a target of Sunni regional powers, Assad has long been on the Israeli-neocon hit list because he's seen as the centerpiece of the "Shiite crescent" stretching from Iran through Iraq and Syria to Lebanon. Since Israeli leaders (and thus the American neocons) see Iran as Israel's greatest enemy, the goal of collapsing the "Shiite crescent" has concentrated on bringing down Assad – even if his ouster would create a political/military vacuum that Al Qaeda and/or Islamic State might fill.

Making Syria the site for this proxy war has inflicted particularly savage results on the Syrians. For five years the violence by both the rebels and the

army has destroyed much of the country and killed more than 250,000 people while also sending waves of desperate refugees crashing into Europe, now destabilizing the European Union.

However, as the U.S. and its Mideast allies especially Saudi Arabia and Turkey escalated the conflict last year by supplying the rebels, including Al Qaeda's Nusra Front, with American TOW missiles and other sophisticated weapons, Russian President Putin decided it was time to help Syria's government stop the spread of Sunni terrorism, a threat that has also plagued Russia.

Mocking Russia

Initially, Official Washington mocked the Russian effort as incapable of accomplishing much, but the Syrian military's recent victories have turned that derisive laughter into shocked fury. For one, the neoconservative flagship Washington Post has unleashed a stream of editorials and op-eds decrying the Syrian-Russian victories.

"Russia, Iran and the Syrian government are conducting a major offensive aimed at recapturing the city of Aleppo and the rebel-held territory that connects it to the border with Turkey," the Post lamented. "They have cut one supply route to the city and are close to severing another, trapping rebel forces along with hundreds of thousands of civilians."

Though one might think that driving Al Qaeda's forces out of a major urban center like Aleppo would be a good thing, the Post's neocon editors pretend that the rebels controlling that area are only noble "moderates" who must be protected by the United States. No mention is made of Al Qaeda's Nusra Front, so as not to spoil the desired propaganda theme.

The Post then badgered Obama to do something: "In the face of this onslaught, which promises to destroy any chance of an acceptable end to the Syrian civil war, the Obama administration has been a study in passivity and moral confusion. President Obama is silent."

In another hysterical editorial, the Post's editors conjured up what they called "the real world" where "the best-case scenario after five years of U.S. inaction is a partial peace that leaves Syria partitioned into zones controlled by the [Assad] regime and the Islamic State, with a few opposition and Kurdish enclaves squeezed in. Even that would require the Obama administration to aggressively step up its military support for rebel groups, and confront Russia with more than rhetoric."

However, in the actual "real world," the Obama administration has been funneling military equipment to rebels seeking to overthrow an internationally recognized

government for years. That assistance has included averting U.S. eyes from the fact that many of those rebel groups were collaborating with Al Qaeda's Nusra Front and/or the Islamic State.

As Mideast expert Gareth Porter reported, "The Russian airstrikes in question are aimed at cutting off Aleppo city, which is now the primary center of Nusra's power in Syria, from the Turkish border. To succeed in that aim, Russian, Syrian and Iranian forces are attacking rebel troops deployed in towns all along the routes from Aleppo to the border. Those rebels include units belonging to Nusra, their close ally Ahrar al-Sham, and other armed opposition groups some of whom have gotten weapons from the CIA in the past.

"Information from a wide range of sources, including some of those the United States has been explicitly supporting, makes it clear that every armed anti-Assad organization unit in those provinces is engaged in a military structure controlled by Nusra militants. All of these rebel groups fight alongside the Nusra Front and coordinate their military activities with it."

But The Washington Post and its mainstream U.S. cohorts don't want you to know the real "real world" reality that Syria's sainted "moderate" rebels are fighting side by side with Al Qaeda, which was responsible for killing nearly 3,000 Americans on 9/11 and for drawing the U.S. military into a series of Mideast conflicts that have claimed the lives of about 8,000 U.S. soldiers.

The bizarre goal of saving Al Qaeda's skin presumably would not be a very good selling point to get Americans behind a new war that could pit nuclear-armed Russia against nuclear-armed America with all the horrors that such a conflict could entail.

Still, the inconvenient truth about Al Qaeda's role occasionally slips into mainstream news accounts, albeit only in passing. For instance, New York Times correspondent Anne Barnard reported last Saturday about a proposed Syrian cease-fire, writing: "With the proviso that the Nusra Front, Al Qaeda's branch in Syria, can still be bombed, Russia puts the United States in a difficult position; the insurgent groups it supports cooperate in some places with the well-armed, well-financed Nusra in what they say is a tactical alliance of necessity against government forces."

Obama's Quandary

So, the quandary that Obama faces is whether the United States should join with Turkey and Saudi Arabia in a blatant invasion of Syria to salvage Al Qaeda's cause. Of course, that's not how it would be sold to the American people. The project would be couched in pretty words about "humanitarianism" and the need to

maintain U.S. “credibility.”

But Obama seems to recognize enough of the actual reality that he has so far resisted the frantic cries of Official Washington’s neocons and liberal hawks. I’m told Obama also has discouraged Turkey and Saudi Arabia from taking matters into their own hands.

After all, a full-scale invasion by Turkey and Saudi Arabia in support of Al Qaeda and other Sunni rebels would pit the invading force against not only the Syrian army but its Iranian and Hezbollah (Shiite) allies and most dangerously Russia, which lacks the manpower inside Syria to match up with the Turkish army but could deploy tactical nuclear weapons if necessary to save the lives of Russian soldiers.

So, here is a significant difference between Obama and former Secretary of State Hillary Clinton. She has publicly called for the U.S. military to establish a “safe zone” inside Syria along with a “no-fly zone.” While all that sounds very nice and peaceful, it would actually require the same invasion that Turkey is now seeking and it would require the U.S. air force to eliminate much of the Syrian air force and air defenses. It would be a major act of war.

On Tuesday, Obama was asked about the Syrian conflict at a news conference but it was within the typical mainstream frame of suggesting that Obama is too weak in dealing with Putin. For five years, the mainstream U.S. media can’t get beyond goading Obama to increase U.S. intervention in Syria and thus bring about another “regime change.”

Despite the contrary evidence, it has remained a beloved Washington delusion that some “moderate” oppositionists would replace Assad and bring a happy democracy to Syria. Similar delusions preceded the catastrophes of “regime change” in Iraq and Libya and one could even go back to the Reagan administration’s “regime change” goal in Afghanistan that led to the emergence of the Taliban, Al Qaeda and modern jihadism in the first place.

But today the stakes include a potential nuclear showdown with Russia – with the United States being urged to take on that existential risk for all humankind on behalf of preserving Al Qaeda’s hopes for raising its black flag over Damascus. If there has ever been a crazier demand by major foreign policy players in Official Washington, it is hard to imagine what it might have been.

[For more on this topic, see Consortiumnews.com’s [“Tangled Threads of US False Narratives,”](#) [“Hidden Origins of Syria’s Civil War,”](#) and [“Obama’s Most Momentous Decision.”](#)]

Investigative reporter Robert Parry broke many of the Iran-Contra stories for

The Associated Press and Newsweek in the 1980s. You can buy his latest book, *America's Stolen Narrative*, either in [print here](#) or as an e-book (from [Amazon](#) and [barnesandnoble.com](#)).

Lost Lessons of Libya

Exclusive: Despite months of Western diplomatic efforts, Libya remains an object lesson in “regime change” arrogance, a failed state beset by rival militias and becoming a new base for Islamic extremists as the movie “Thirteen Hours” graphically depicts, writes James DiEugenio.

By James DiEugenio

American foreign policy leaders are not great at learning lessons from the past. The cautionary tale about “regime change” from George W. Bush’s invasion of Iraq in 2003 did not even last until 2011 when President Barack Obama at the urging of Secretary of State Hillary Clinton plunged into “regime change” in Libya, creating one more failed state and another humanitarian catastrophe.

Different presidents, different parties, very similar results.

In the case of Libya, many of the failings from that enterprise are recounted in the book, *Thirteen Hours*, along with one of the tragic consequences of that adventure, the death of U.S. Ambassador Christopher Stevens and three other Americans in Benghazi on Sept. 11, 2012, an event highlighted in a movie by the same name.

But the failure of Obama and Clinton to heed the warnings from the Iraq disaster has historical precedents in other prescient warnings that were ignored by impetuous leaders, such as early doubts expressed about the gathering storm clouds in Vietnam in the 1950s.

In 1958, William Lederer, a former Navy officer, and Eugene Burdick, a political scientist, submitted their draft of a non-fiction book called *The Ugly American* to W.W. Norton Company. An editor at Norton suggested it would probably be more dramatically effective if it was rewritten as a roman a clef, that is as a thinly disguised fiction based on actual people and events.

From a marketing standpoint at least, the editor was correct. *The Ugly American* became a sensational success, spending 76 weeks on the best-seller lists and eventually selling over four million copies. [*New York Times*, Nov. 29, 2009]

Arrogance and Stupidity

Essentially, the authors were criticizing the arrogance and stupidity of American foreign policy in Indochina. They were particularly hard on the State Department. They pictured its employees as being insensitive and unknowledgeable about the true circumstances and conditions of the cultures they were dealing with. Even the best of their representatives were blinded by the distortions of the Cold War. Their consuming anti-communism kept them from perceiving that they had become their own worst enemies.

Sen. John F. Kennedy, a skeptic about U.S. interventions in Third World conflicts, mailed a copy of *The Ugly American* to each member of the U.S. Senate, but the United States plunged nonetheless into the Vietnam killing fields, with Kennedy as president deploying the Green Berets and other military advisers to the South Vietnamese army and then after Kennedy's death President Lyndon Johnson escalating the war dramatically by committing more than a half million U.S. soldiers.

But even the devastating failure in Vietnam did not instill any lasting sense of caution and humility in the U.S. foreign policy establishment. Bristling with boasts about "American exceptionalism," President George W. Bush rushed off to invade Iraq in 2003 and President Barack Obama launched an air war in Libya in 2011 in support of an uprising against longtime strongman Muammar Gaddafi.

Like his predecessors in other U.S. interventions, Obama was either ignorant of or chose to ignore history, since Libya had a long record of suffering under and resisting foreign powers.

For three centuries, the Ottoman Empire had controlled Libya until 1890. In 1912, Italy took over the northern African country, but was cast out eight years later. However, in 1931, Italian fascist Benito Mussolini invaded again. His forces captured and hanged the Moslem leader Omar Mukhtar, who became a martyred hero, especially in eastern Libya.

It was not until after World War II, with Italy and its fascist Axis allies defeated, that Libya became free and independent. In 1951, a constitutional monarchy under the Senussi Moslem leader Idris al-Senussi was formed. At that time, Libya was one of the poorest and most illiterate countries in the world. [*Thirteen Hours*, by Mitchell Zuckoff, e-book version, p. 11]

In 1969, the king was overthrown in a bloodless military coup led by Colonel Muammar Gaddafi who then exercised what was essentially one-man rule over Libya for over 40 years during which Libya grew rich from oil fields mostly located in the east around Benghazi, although political power was concentrated in the west

around Tripoli, which Gaddafi made the permanent capital and the home for the National Oil Corporation. Most of the improvements Gaddafi made, such as hospitals and schools, were also in the west. [ibid, p. 11]

Backing a Rebellion

So, in 2011, when a rebellion broke out against Gaddafi, it understandably started in east Libya and was partly fueled by the slighting of the east for the west. Once this happened, in the context of other uprisings known as the Arab Spring, President Obama and Secretary of State Clinton assisted by then U.S. Ambassador to the United Nations Susan Rice and National Security staffer Samantha Power decided to seize the opportunity to eliminate Gaddafi, long considered a thorn in the side of U.S. foreign policy.

But as with Bush in Iraq they did not appear to have asked themselves: 1.) What do we have to replace him? and 2.) Will the situation in Libya be better or worse when he is gone? Some observers cautioned about any American intervention, simply because of the Pandora's Box effect: Who could possibly predict what would happen afterwards?

The rebellion against Gaddafi began in February 2011 in east Libya, and then spread westward. It included the Islamist organizations, the Libyan Fighting Group and the Obaida Ibn Jarrah Brigade. These organizations appear to have fought Gaddafi because he allowed a secular form of government, including many rights for women.

The anti-Gaddafi opposition also included elements of Al Qaeda, though the rebel groups denied this at the time. The role of Islamic extremists was confirmed by a West Point study of captured Al Qaeda documents called the Sinjar Records, which showed that a disproportionate number of jihadists who flocked to fight American troops in Iraq came from eastern Libya. Also, according to documents released by Wikileaks, one of the rebel leaders had joined the Taliban. [*The Daily Telegraph*, Oct. 29, 2011]

So, although there were pro-democratic elements in the rebellion against Gaddafi, mainly among the professional classes, there was a real danger that, if the rebels won out, the result could be a hardline Islamist state that would revoke rights for women and create a new stronghold for terrorism.

Secretary Clinton also was made aware of the role of regional rivalries seeking Gaddafi's demise as well as Western motives that had nothing to do with protecting the lives or improving the lot of Libyans. For instance, among Clinton's recently declassified emails, private adviser Sidney Blumenthal informed her that Egyptian special operations units were training and arming

Libyan militants along the Egypt/Libya border and in Benghazi even before the uprising began. [Brad Hoff, *The Levant Report*, Jan. 4, 2016]

France's Motives

France also parachuted weapons to the rebels, including anti-tank rockets. [*Le Figaro*, June 28, 2011] And, as Blumenthal explained to Clinton, France's motives were not entirely noble. French President Nicolas Sarkozy wanted a greater share of Libyan oil production than he was getting from Gaddafi. Also, Sarkozy was interested in a new government in Libya because Gaddafi had plans to supplant the French franc with the Libyan golden dinar in Francophone Africa. In other words, Gaddafi wanted to free Africa from the neocolonial interests of the old colonial powers.

Blumenthal warned Clinton, too, that elements of Al Qaeda were infiltrating upward into the rebel umbrella group called the NTC, the National Transitional Council. [See Consortiumnews.com's "[What Hillary Knew about Libya.](#)"]

Retired UK Prime Minister Tony Blair was alerted to the terrorist role directly by Gaddafi. While in power, Blair had visited Gaddafi a number of times and the Libyan leader considered him a friend.

In two phone calls on Feb. 25, 2011, Gaddafi told Blair that the forces he was fighting were similar to Osama Bin Laden. He said, "We are not fighting them, they are attacking us. An organization had laid down sleeping cells in North Africa. Called the Al Qaeda Organization in North Africa. The sleeping cells in Libya are similar to dormant cells in America before 9/11." [*The Telegraph*, Jan. 7, 2016] As the author of this story, Robert Mendick noted Gaddafi was prophetic about this considering the later attacks in France.

But the Western leaders ignored these warnings. Following the Lederer-Burdick script from Indochina, France and the U.S., for different reasons, decided to team up again to attack a Third World country, this time in Africa.

While there were covert operations already going on in Libya, U.S. Ambassador to the United Nations Susan Rice and Secretary of State Hillary Clinton were working more or less out in the open at the United Nations.

Tricking the Russians

In February 2011, the U.S., France, Germany and England teamed up to pass Security Council Resolution 1970. This act condemned Gaddafi for using lethal force against civilians in Tripoli (which, as many commentators have written, probably did not happen.) The UN then passed a series of sanctions against Libya, including freezing some assets and enacting an arms embargo. At the same

time Western countries were aiding some of the worst elements of the rebellion.

One month later, the Obama administration returned to the United Nations, wanting to go even further. Resolution 1973 proposed the establishment of “a no-fly zone” over Libya, supposedly for humanitarian purposes. It also contained a clause that allowed all necessary means to protect civilians, short of an occupying force. Russia and China were lobbied not to veto it but rather to abstain from the vote, which they did despite concerns that the use of military force could result in unintended consequences.

The pretense for this intervention was that Gaddafi’s forces, which had isolated the rebels near Benghazi, would inflict a bloodbath. So, soon after the “humanitarian” resolution passed, the Western military operation unleashed fierce attacks against Gaddafi’s army in the east and quickly expanded the intervention into a “regime change” project headed by NATO, bombing a wide range of Libyan government targets and blockading ports.

Codenamed “Operation Unified Protector,” over 9,000 strike sorties were flown and over 400 artillery batteries were destroyed along with 600 tanks or armored vehicles. [*Final Mission Stats*, published by NATO, Nov. 2, 2011]

Some critics argued at the time that the Obama administration was exaggerating the potential for a bloodbath. For instance, University of Texas professor Alan Kuperman pointed out that neither Amnesty International nor Human Rights Watch warned of any impending massacre in Libya and neither did the U.S. intelligence community.

In March 2011, Kuperman wrote that there was no photographic evidence to support the administration’s claims but rather mostly rebel propaganda transmitted to the White House, which uncritically accepted it. [*Foreign Affairs*, “Who Lost Libya”, April 21, 2015] Kuperman said the intervention was actually driven by the fact that Gaddafi was close to stifling the rebellion. [“Obama’s Libya Debacle,” *Foreign Affairs*, March/April 2015]

The true aim of the UN/NATO enterprise was not humanitarian relief but “regime change.” Once the rebel forces sensed that, they decided to reject each and every offer of a truce with negotiations that the Libyan government extended.

Call for ‘Regime Change’

Obama signaled U.S. support for the rebel intransigence by announcing on March 3, 2011, that Gaddafi “must step down from power and leave.” (op. cit. “Who Lost Libya”) The State Department then ordered U.S. Africa Command to stop peace negotiations on March 22. Even though Gaddafi made two more offers for a truce, with minimal demands on his side requesting only that his inner circle be

allowed to leave the country peacefully and that Libya retain a military force strong enough to fight Al Qaeda and ISIS elements of the rebellion. (ibid)

Former Rear Admiral Charles Kubic, who had a major role in the negotiations, confirmed that Gaddafi was willing to step down and that his military leaders were willing to withdraw their forces from the cities to the outskirts in order to begin a truce process. Kubic was puzzled by the refusal of Western officials to accept, not only this but also the offer to discuss constitutional changes and pay compensation to victims of the fighting.

Kubic came to the conclusion that, "It wasn't enough to get him out of power; they wanted him dead." (ibid) Gaddafi's olive branches were rebuffed, dismissed out of hand.

If Gaddafi's death was indeed the goal a kind of head-on-a-spike, tough-guy/gal moment of blood lust the goal was achieved. Due to the massive NATO bombing and repeated refusals of a negotiated settlement, Tripoli was taken in the autumn of 2011. Gaddafi retreated to his hometown of Sirte, where he was captured on Oct. 20, 2011, tortured (sodomized with a knife) and then murdered.

Secretary Clinton could hardly contain her glee. Basking in her "Mission Accomplished" moment, she famously declared to a broadcast reporter, "We came, we saw, he died."

But as George W. Bush had shown, when proper geopolitical conditions are not considered, a seeming victory can become a disaster. It turned out Gaddafi was correct. There were strong elements of radical Islam incorporated into the rebellion against him. And although an interim government was constructed, it could not control the anarchy that had been unleashed by the civil war. The government simply could not coax or order the guerrillas, militias and Islamists to disarm.

Benghazi Chaos

There was so little order that huge arms bazaars materialized overnight and sold sophisticated weapons on the street. Even before the outbreak of violence against Americans at the State Department compound and the CIA annex in Benghazi, there were two major violent clashes in 2012: the Sabha tribal dispute, resulting in 147 dead and 395 wounded, and the Zuwara conflict between Gaddafi loyalists and local militias, with estimates of more than 50 dead and over 100 wounded.

In the face of this escalating violence and the inability of the new government to quell the disorder, several foreign embassies shuttered their windows and closed their doors. However, the United States did not withdraw, even from the

anarchic situation surrounding Benghazi.

In Benghazi, the United States had allied itself with a less radical group called the February 17th Martyrs Brigade which supplied hired guards to protect State Department buildings. [Zuckoff, p. 19] But perhaps the most powerful militia in Libya at the time of the Benghazi attack was the Ansar al Sharia Brigade, which translates as Partisans of Islamic Law.

The violence escalated because of the easy availability of weapons, including grenades, mortars, rocket launchers and heavy machine guns. [ibid, p. 20] In June 2012, a rocket-propelled grenade was fired at the British ambassador, contributing to the United Kingdom's decision to depart Benghazi. (ibid, p. 22)

In June 2012, Ambassador Christopher Stevens sent a cable to Washington, warning that Al Qaeda influence was spreading in Libya and he had seen their flags flying. Around the same time, Stevens had sent another cable to Washington seeking more bodyguards. He described the security conditions in Libya as being "unpredictable, volatile and violent." [ibid, p. 63]

This request was denied, as were similar ones. Altogether, Stevens' requests for added security were denied three times, even though the State Department classified the conditions for staffers there as critical. In late August 2012, the department circulated a travel warning to Libya declaring that "Political violence in the form of assassination and vehicle bombs have increased in both Benghazi and Tripoli. Inter-military conflict can erupt at any time or any place in the country." [ibid, p. 65]

So the questions become: 1.) If the U.S. was going to stay, why was State not willing to fully protect its own personnel? and 2.) If not willing to fully protect the personnel, why should they stay? Whatever the answer to those questions, one of the main functions of the State Department compound in Benghazi, which did not technically qualify as a consulate, was to gather intelligence on the growing influence of Al Qaeda. (ibid, pgs. 35, 61)

Whenever one of the State Department employees went out to meet with a citizen, whoever it may have been, they were escorted by at least one bodyguard. That guard was either employed by Diplomatic Security (DS) or the CIA's Global Response Staff (GRS). The former arose after the Beirut bombing in 1983; the latter after 9/11. The GRS is largely staffed by former special operations officers, e.g. Navy Seals. Two of the men who died at Benghazi on Sept. 11, 2012, were part of the GRS, Glen Doherty and Tyrone Woods.

A Fatal Visit

Ambassador Stevens had arrived for a five-day visit in Benghazi from Tripoli on

Sept. 10. He attended a ribbon cutting at a local school, and opened up an "American Corner" on a city street: a place where Libyans could get bilingual books and films and magazines. (ibid, p. 65) He had five DS agents assigned to him, plus a computer technology officer, Sean Smith.

The State Department compound in Benghazi was not secure even from the Libyan guards hired to defend it. A post-incident review stated that the compound "had been vandalized and attacked by some of the same guards who were there to protect it." [ibid, p. 67] In fact, at the time Stevens was in Benghazi there was a work dispute going on with these very same guards.

For security reasons, Stevens had not planned on leaving the compound on Sept. 11, which was the 11th anniversary of the 9/11 attacks. During the day, Stevens heard from an assistant that protesters had stormed the U.S. Embassy in Cairo over an insulting video about Islam that had been placed on YouTube, called *Innocence of Muslim*. (p. 76)

A State Department warning was sent out about a danger to local government buildings from Libyans. Stevens was alerted to this but disregarded it. In his last diary entry that night, Stevens wrote about how much he enjoyed being in Benghazi, except for the "Never ending security threats"

Shortly after 9 p.m., a Toyota pick-up truck pulled up in front of the compound. The car had police insignia. It stayed awhile, and then left. An explosion rang out. Dozens of men swarmed the gate firing AK-47s into the air. Some had walkie-talkies. To this day, there is a debate about whether the gate was left open or whether the Libyan guards were coerced into opening it. [Zuckoff, pgs. 83-85]

The militia leader who seemed to have organized the attack was Abu Khattala. [New York Times, Dec. 28, 2013] He had been a leader of the Al Jarrah brigade, which had helped depose Gaddafi with extensive American aid. Some witnesses interviewed by David Kirkpatrick of the *New York Times* said that, during the rioting inside the compound, *Innocence of Muslims* was mentioned. Yet, whether or not the film was the casus belli of the attack or it was simply a pretense used by the main organizer, perhaps Khattala, has become part of a partisan debate, which has obscured some of the larger questions involved.

As calls went out for help, Stevens took refuge with Smith in a safe room part of his villa, led there by a security officer. The attackers could not get into the room but managed to set fire to most of the area outside. The security officer tried to lead Smith and Stevens to a bathroom with an escape window onto a terrace. But en route, he lost Stevens and Smith. He tried going back several times to find them, but could not. He was later overcome with smoke inhalation

and collapsed on the terrace.

After a delay of about 20-30 minutes, six GRS officers left the CIA annex, which was about a mile from the State Department compound. They managed to counter the attackers, and they found the body of Sean Smith who was dead from smoke inhalation. They also tried to find Stevens but could not get into the safe room due to fire and smoke.

After the rescuers returned to the CIA annex, they took positions on the rooftops of the main buildings. Several more men arrived from Tripoli in the middle of the night, with the defenders repulsing an attack on the CIA annex. The attackers regrouped and launched a mortar barrage. In the shelling, Bud Doherty, one of the men who arrived from Tripoli, and Ty Woods, part of the rescue team, were killed.

Stevens' body was later recovered by locals. He was taken to a hospital and pronounced dead from smoke inhalation. Stevens was the first American ambassador to die in office in the line of duty since 1988.

A Political Football

The administration sent UN Ambassador Susan Rice out that weekend to make the circle of talk shows relying on talking points that played up the impact of the YouTube video as provoking the attack. [ibid, *New York Times*.] The Republicans seized on Rice's statement, insisting that it was part of an Obama administration cover-up. But as Kirkpatrick noted in his six-part series, the Republicans went overboard in their painting of a conspiracy theory. (ibid)

Yet, there were clearly errors in Secretary Clinton's and the State Department's handling of the Libyan conflict and the resulting chaos. Benghazi was one of the most dangerous State Department outposts in the world, perhaps the most dangerous, yet pleas for enhanced security were bureaucratically rebuffed. The other key error was the delay in getting help to the compound sooner.

But the question that neither side wants to address is the one that Professor Kuperman confronts head on: Would it have been better for Libya and America if the State Department had negotiated with Gaddafi to ease his ouster and, perhaps, have had his son Saif al-Islam take over Libya? Due to the insistence on "regime change," Libya is now listed by the State Department as a failed state. In 2014, it descended into its second civil war in three years. And now Al Qaeda and ISIS have operational cells there.

Lederer and Burdick could not have written a more nightmarish scenario to show the arrogance and short sightedness of American foreign policy. Prominent neocon Richard Perle could not have done worse. Yet, the overriding failure of "regime

change” strategies was not the focus of Republican investigations. The Republican-controlled Congress insisted instead on focusing on what Secretary Clinton knew and when she knew it.

As the Benghazi political firestorm swept across Washington, author Mitchell Zuckoff got in contact with the surviving GRS officers who rode from the CIA annex to rescue Stevens that night. Zuckoff, a former journalist and author, relied on those accounts in *13 Hours: The Inside Account of What Really Happened at Benghazi*, written as a deliberate attempt to sidestep all of the partisan issues that had enveloped the incident.

The book concentrated on the characters of the six GRS contractors, Ambassador Stevens, computer expert Smith, and the CIA chief of station who was fictionally named Bob. The book details the firefights at both the State Department Compound and the CIA annex in extraordinary detail.

Considering the focus of the book, director-producer Michael Bay was a decent enough choice to transform the book into a movie. Producer Jerry Bruckheimer had hired Bay to direct action films like *Bad Boys*, *The Rock*, *Armageddon*, *Pearl Harbor* and *Bad Boys 2*. Bay is strong on technical elements: visuals, sound and editing. He is not so interested in things like story, character development, subtlety, and dramatic structure. But, in truth, Zuckoff’s book is not really interested in those aspects either.

To adapt the book, Bay hired author Chuck Hogan, who wrote novels including *Prince of Thieves*, which was adapted into the Ben Affleck film *The Town* in 2010.

Book into Movie

In comparing the book, *Thirteen Hours*, with the film by the same name, there seems to me to be only one really exaggerated scene of dramatic license. When a militia at a checkpoint stops two of the GRS agents, the book does not describe any shooting which followed. (Zuckoff, pgs. 23-25) Bay does show an exchange of fire.

There has been some controversy over whether the CIA station chief actually delayed the rescue attempt and resisted the GRS involvement. But this is all in Zuckoff’s book, and he details it profusely. (pgs. 94-102) If it did not happen, then the GRS agents are lying. I suspect the CIA is probably covering for the reluctance of “Bob” to let the agents leave the station relatively unprotected.

One of the problems with the film is that, although it is an action movie, there is a lot of time between the set pieces of violence. And, the running time of the film is well over two hours. Thus, we have a lot of dialogue and scenes where people at the CIA annex are interacting, not one of Bay’s strengths. He

also didn't seem interested in casting acutely either.

Because of the subject matter, the film spent heavily on the production value and not on performance value. With the exception of Toby Stephens as Bud Doherty, the acting performances are not notable or dynamic. However, with the action scenes, Bay does a decent enough job. They are vividly presented, especially the last mortar attack in which the shells are seen arriving at the CIA annex in super slow motion.

Zuckoff's book does mention the Internet video in more than one place. But Bay's film makes very little comment on that topic. At the end, after the last attack, the film takes a nihilistic attitude toward the whole affair. The Arab linguist, who the GRS team employed as a translator on their rescue mission, decides not to go with them to the infirmary. He shakes his head in disgust and says words to the effect, none of this should have ever happened.

Before the end titles roll, the film tells us that Libya is classified as a failed state today. We then learn that the five surviving agents who tried to rescue Stevens all resigned shortly after this mission. This is as close as director Bay gets to any kind of political statement, a reflection of the Lederer-Burdick sense of how U.S. foreign policy ambitions often outstrip American ability to achieve those goals and how the misguided efforts result in grave human catastrophes.

James DiEugenio is a researcher and writer on the assassination of President John F. Kennedy and other mysteries of that era. His most recent book is [Reclaiming Parkland](#).

Obama's 'Moderate' Syrian Deception

Exclusive: President Obama, who once [called](#) the idea of "moderate" Syrian rebels a "fantasy," has maintained the fiction to conceal the fact that many "moderates" are fighting alongside Al Qaeda's jihadists, an inconvenient truth that is complicating an end to Syria's civil war, explains Gareth Porter.

By Gareth Porter

Secretary of State John Kerry insisted at the Munich Security Conference on Saturday that the agreement with Russia on a temporary halt in the war in Syria can only be carried out if Russia stops its airstrikes against what Kerry is now calling "legitimate opposition groups."

But what Kerry did not say is that the ceasefire agreement would not apply to operations against Al Qaeda's Syrian franchise, the Nusra Front, which both the United States and Russia have recognized as a terrorist organization. That fact is crucial to understand why the Obama administration's reference to "legitimate opposition groups" is a deception intended to mislead public opinion.

The Russian airstrikes in question are aimed at cutting off Aleppo city, which is now the primary center of Nusra's power in Syria, from the Turkish border. To succeed in that aim, Russian, Syrian and Iranian forces are attacking rebel troops deployed in towns all along the routes from Aleppo to the border. Those rebels include units belonging to Nusra, their close ally Ahrar al-Sham, and other armed opposition groups some of whom have gotten weapons from the CIA in the past.

Kerry's language suggests that those other "legitimate opposition groups" are not part of Nusra's military structure but are separate from it both organizationally and physically. But in fact, there is no such separation in either of the crucial provinces of Idlib and Aleppo.

Information from a wide range of sources, including some of those the United States has been explicitly supporting, makes it clear that every armed anti-Assad organization unit in those provinces is engaged in a military structure controlled by Nusra militants. All of these rebel groups fight alongside the Nusra Front and coordinate their military activities with it.

This reality even slips into mainstream U.S. news accounts on occasion, such as Anne Barnard's New York Times article last Saturday about the proposed Syrian cease-fire in which she reported, "With the proviso that the Nusra Front, Al Qaeda's branch in Syria, can still be bombed, Russia puts the United States in a difficult position; the insurgent groups it supports cooperate in some places with the well-armed, well-financed Nusra in what they say is a tactical alliance of necessity against government forces."

At least since 2014 the Obama administration has armed a number of Syrian rebel groups even though it knew the groups were coordinating closely with the Nusra Front, which was simultaneously getting arms from Turkey and Qatar. The strategy called for supplying TOW anti-tank missiles to the "Syrian Revolutionaries Front" (SRF) as the core of a client Syrian army that would be independent of the Nusra Front.

However, when a combined force of Nusra and non-jihadist brigades including the SRF captured the Syrian army base at Wadi al-Deif in December 2014, the truth

began to emerge. The SRF and other groups to which the United States had supplied TOW missiles had fought under Nusra's command to capture the base.

And as one of the SRF fighters who participated in the operation, Abu Kumayt, recalled to The New York Times, after the victory only Nusra and its very close ally Ahrar al-Sham were allowed to enter the base. Nusra had allowed the groups supported by the United States to maintain the appearance of independence from Nusra, according to Abu Kumayt, in order to induce the United States to continue the supply of U.S. weapons.

Playing Washington

In other words, Nusra was playing Washington, exploiting the Obama administration's desire to have its own Syrian Army as an instrument for influencing the course of the war. The administration was evidently a willing dupe.

Former U.S. Ambassador to Syria Robert Ford, who had been supporting an aggressive program of arming opposition brigades that had been approved by the CIA, told a January 2015 seminar in Washington, "For a long time we have looked the other way while the Nusra Front and armed groups on the ground, some of which are getting help from us, have coordinated in military operations against the regime."

Reflecting the views of some well-placed administration officials, he added, "I think the days of us looking the other way are finished." But instead of breaking with the deception that the CIA's hand-picked clients were independent of Nusra, the Obama administration continued to cling to it.

Nusra and its allies were poised to strike the biggest blow against the Assad regime up to the time the capture of Idlib province. Although some U.S.-supported groups participated in the campaign in March and April 2015, the "operations room" planning the campaign was run by Al Qaeda and its close ally Ahrar al Sham.

And before the campaign was launched, Nusra had forced another U.S.-supported group, Harakat Hazm, to disband and took all of its TOW anti-tank missiles.

Furthermore, Saudi Arabia and Qatar were financing the "Army of Conquest," commanded by Nusra, and were lobbying the administration to support it. U.S. strategy on Syria was then shifting toward a tacit reliance on the jihadists to achieve the U.S. objective of putting sufficient pressure on the Assad regime to force some concessions on Damascus.

But the idea that an independent "moderate" armed opposition still existed and

that the United States was basing its policy on those “moderates” was necessary to provide a political fig leaf for the covert and indirect U.S. reliance on Al Qaeda’s Syrian franchise’s military success.

When the fall of Idlib led to the Russian intervention last September, the U.S. immediately resorted to its propaganda line about Russian targeting of the “moderate” armed opposition. It had become a necessary shield for the United States to continue playing a political-diplomatic game in Syria.

As the current Russian-Syrian-Iranian offensive between Aleppo and the Turkish border unfolds, the Obama administration’s stance has been contradicted by fresh evidence of the subordination of non-jihadist forces to the Nusra Front. In late January, Nusra consolidated its role as the primary opposition military force in the eastern part of Aleppo City by sending a huge convoy of 200 vehicles loaded with fighters, according to the Syrian Observatory for Human Rights in London.

BBC reported that “thousands of troops” had just arrived in Aleppo for the coming battle. Ahrar al-Sham confirmed on Feb. 2 that its ally, the Nusra Front, had deployed a large convoy of “reinforcements” to Aleppo. The pro-Assad Beirut daily As-Safir reported that the convoys also included artillery, tanks and armored vehicles, and that Nusra had taken over a number of buildings to serve as its headquarters and offices.

How Al Qaeda Controls

An assessment published on Saturday by the Institute for the Study of War, which has long advocated more U.S. military assistance to Syrian anti-Assad groups, provides further insights into the Nusra Front’s system of control over U.S.-supported groups. One way the jihadist organization maintains that control, according to the study, is Ahrar al Sham’s control of the Bab al Hawa border crossing with Turkey, which gives Nusra and Ahrar power over the distribution of supplies from Turkey into Aleppo City and surrounding areas.

ISW points out that another instrument of control is the use of “military operations rooms” in which Nusra and Ahrar al Sham play the dominant role while allocating resources and military roles to lesser military units.

Although the Nusra Front is not listed as part of the “Army of Aleppo” formally announced to combat the Russian offensive, it is hardly credible that it does not hold the primary positions in the operations room for the Aleppo campaign, given the large infusion of Nusra troops into the theater from Idlib and its history in other such operations rooms in the Idlib and Aleppo regions.

Yet another facet of Nusra’s power in Aleppo is its control over the main water and power plants in the opposition-controlled districts of the city. But the

ultimate source of Nusra's power over U.S.-supported groups is the threat to attack them as agents of the United States and take over their assets. Al Qaeda's franchise "successfully destroyed two U.S.-backed groups in Northern Syria in 2014 and early 2015," ISW recalls, and initiated a campaign last October against one of the remaining U.S.-supported groups, Nour al Din al Zenki.

The official U.S. posture on the current offensive in the Aleppo theater and the proposed ceasefire obscures the fact that a successful Russian-Syrian operation would make it impossible for the external states, such as Turkey and Saudi Arabia, to resupply the Nusra Front and Ahrar al Sham and thus end the military threat to the Syrian government as well as the possibility of Al Qaeda's seizure of power in Damascus.

Russian-Syrian success offers the most realistic prospect for an end to the bloodletting in Syria and would also reduce the likelihood of an eventual Al Qaeda seizure of power in Syria.

The Obama administration certainly understands that fact and has already privately adjusted its diplomatic strategy to take into account the likelihood that the Nusra Front will now be substantially weakened. But it cannot acknowledge any of that publicly because such a recognition would infuriate many hardliners in Washington who still demand "regime change" in Damascus whatever the risks.

President Obama is under pressure from these domestic critics as well as from Turkey, Saudi Arabia and other GCC allies to oppose any gains by the Russians and the Assad regime as a loss for the United States. And Obama administration must continue to hide the reality that it was complicit in a strategy of arming Nusra in part through the mechanism of arming Washington's "moderate" clients to achieve leverage on the Syrian regime.

Thus the game of diplomacy and deceptions continues.

Gareth Porter is an independent investigative journalist and winner of the 2012 Gellhorn Prize for journalism. He is the author of the newly published *Manufactured Crisis: The Untold Story of the Iran Nuclear Scare*.

Obama's Most Momentous Decision

Exclusive: President Obama must decide if he will let the Syrian civil war come to an end with Russian-backed President Assad still in power or if he will

escalate by supporting a Turkish-Saudi invasion, which could push the world to the brink of nuclear war, writes Joe Lauria.

By Joe Lauria

With the Russian-backed Syrian army encircling Aleppo, cutting off Turkish supplies to rebels and advancing on the Islamic State's capital of Raqqa, a panicked Saudi Arabia and Turkey have set up a joint headquarters to direct an invasion of Syria that could lead to a vast escalation of the war. And there's only one man who could stop them: President Barack Obama.

It is probably the most important decision Obama will make in his eight years in office since a Turkish-Saudi invasion risks a direct showdown between Russia and NATO, since Turkey is a member of the alliance.

The U.S. traditionally has held tremendous power over client states like Turkey and Saudi Arabia. So, an order from Washington is usually enough to get such governments to back down. But Ankara and Riyadh are being led by reckless men whose continued existence in power might well depend on stopping a Syrian government victory helped by Russia, Iran and the Kurds and a humiliating defeat of the Turkish-Saudi-backed Syrian rebels, who include some radical jihadist groups.

Turkish President Recep Tayyip Erdoğan and Prince Mohammad bin Salman have shown increasing defiance of Washington. Neither man is the legal ruler of his respective country. But both have seized power nonetheless.

Erdoğan is technically in a symbolic post, a presidency without power. Prime Minister Ahmet Davutoğlu should be leading the country the way Erdoğan did when he was prime minister, but Davutoğlu is still letting Erdoğan call the shots.

Erdoğan is campaigning for a referendum that would make Turkey a presidential system to legalize the power he already has. But that hasn't happened yet. So, he is simply acting as a de facto executive leader while potential rivals are afraid to contest his overreach of power.

Erdoğan's increasing authoritarianism is alarming some people in Washington. He is routinely throwing in jail journalists and academics who dare criticize him. After a brutal crackdown in the Kurdish city of Cizre inside Turkey this month, leaving much of the city in ruins, Erdoğan has turned his attention to the Syrian Kurds.

They are among the best fighters on the ground against the Islamic State and are

supported by both the U.S. and Russia. And they are threatening to formalize their de facto autonomy inside Syria, which Erdoğan has vowed to crush. By fighting the Islamic State, the Kurds are also messing with Erdoğan's goal of overthrowing Syrian President Bashar al-Assad. Erdoğan has staked much of his power on overthrowing Assad. A Syrian victory against Erdoğan's five-year project of "regime change" in Damascus could mean the end of him politically. Sensing this danger, Erdoğan has been increasingly belligerent toward anyone standing in his way.

Erdoğan showed his defiance of the Obama administration when he said, "How can we trust [you]? Is it me who is your partner or the [Kurdish] terrorists in Kobane?"

Turkey Shells Syria

On Sunday, Erdoğan began shelling Syrian Kurdish areas in Aleppo province, especially the city of Azaz. "We will not allow Azaz to fall," Prime Minister Davutoğlu vowed on Monday, reflecting Erdoğan's hard line. Turkey's attacks also are aimed at preventing the Syrian government from sealing the Turkish border where the Islamic State and other jihadist groups have smuggled across fighters, weapons and other supplies into Syria as well as oil from Syria into Turkey.

With his aggressive strategies toward his neighbors, Erdoğan has been accused of wanting to establish a new Ottoman empire. Azaz is near Dabiq, the town where the Ottoman Empire began in 1516. Because of that symbolism, Turkey's defeat there could mean the death of Erdoğan's neo-Ottoman dreams and perhaps of his presidency. (For the Islamic State, Dabiq is the place where a future Christian-Muslim battle will take place heralding the end of the world.)

The Saudis appear equally spoiling for a fight. Prince Mohammed bin Salman is deputy crown prince, second in line to the crown. But his father, King Salman, is suffering from dementia and the current crown prince, Mohammad bin Nayef, 56, is considered loyal to the U.S. But 30-year-old Mohammed has launched the most independent Saudi military policy in the history of the modern Saudi state. He is said not to trust the United States. And as defense minister, he has recklessly launched a disastrous war in Yemen, where despite widespread death and destruction the most powerful Arab army cannot defeat the poorest Arab nation. Mohammed has staked his credibility on the outcome of the Yemen war. But he also has vowed to check Iranian regional influence. So, he may be going for broke now by threatening to invade Syria.

Turkey and Saudi Arabia have established a joint headquarters at Turkey's Incirlik base, 62 miles from the Syrian border. Turkish Foreign Minister Mevlüt

AvuYoÄlu told a Turkish newspaper last week that Saudi warplanes and troops would be arriving at the base.

The Saudis are also planning war games inside the Kingdom with 150,000 troops from 20 Arab nations. Jordan, however, sensibly said it would not take part in an invasion unless it is led by U.S. and British troops and has a U.N. Security Council mandate "with full coordination with Russia."

However, the war clouds continued to darken along the Syrian border. On Sunday, Turkey began shelling Syrian Kurdish positions, including the town of Azaz in Aleppo province. And, Saudi Foreign Minister Adel al-Jubeir said Russia "will fail to save" Syrian President Bashar al-Assad, whom Jubeir vowed to overthrow. In response to Saudi threats, Hezbollah said it would "slaughter Saudi troops" if they invade.

Assad Confronting Fanatical Erdoğan

For his part, Assad has not ruled out that Turkey and Saudi Arabia will invade. He told the French Press Agency (AFP) on Monday: "Logically, intervention is not possible, but sometimes reality is at odds with logic, particularly when there are irrational people leading a certain state. That's why I don't rule that out for a simple reason: Erdoğan is a fanatical person with Muslim Brotherhood inclinations. He is living the Ottoman dream...

"He believes that he has an Islamist mission in our region. The same applies to Saudi Arabia. The collapse of the terrorists in Syria is a collapse of their policies. I tell you that this process is surely not going to be easy for them, and we will certainly confront it."

The risks of a Saudi-Turkish invasion of Syria are enormous. If soldiers from NATO-member Turkish are killed by the Syrian army or Russian air force, will they seek NATO protection? If Saudi or its allied troops are killed how would the U.S. respond? An invasion could pit Saudi troops against Iranian forces on the same battlefield in what could be an historic Sunni-Shia battle.

Despite the tough Turkish and Saudi rhetoric, Saudi Arabia at least, has made it clear that it won't invade without the U.S. leading the way. That puts the ball squarely in the Oval Office where President Obama has resisted committing U.S. combat troops to another war in the Middle East but reportedly wants to avoid further alienating U.S. "allies," Turkey and Saudi Arabia.

At the State Department, John Kerry has made no statement about a possible invasion. Instead he's using his close ties to Russian Foreign Minister Sergei Lavrov to try to nail down a partial ceasefire that is supposed start on Friday. The ceasefire would allow continue fighting against terrorists, but the U.S. and

Russia disagree on exactly who should be included on the list of terrorists. Further, many of the U.S.-backed rebel groups collaborate with Al Qaeda's Nusra Front in some areas, making targeting difficult even when there is U.S.-Russian agreement of who's the terrorist.

Other mixed signals have come from the Pentagon where Defense Secretary Ashton Carter has "welcomed" the Saudi offer of ground troops. The matter was discussed at a NATO defense ministers meeting last week, but the only outcome was the acceptance of special forces from the United Arab Emirates.

Obama has given no public indication of what he will do if Turkey and Saudi Arabia press ahead with an invasion. It's not even clear that he still has the leverage to stop Turkey and Saudi Arabia if they press ahead.

Obama could simply cut U.S. losses in its disastrous Syrian "regime change" policy and accept a Russian and Iranian-backed Syrian government victory, but he would come intense criticism from Washington's influential neoconservatives as well as Republicans. But does he have another choice if he wants to avoid war with Russia?

On Saturday, Obama called Russian President Vladimir Putin. It's not known what they discussed about a possible invasion of Syria. However, if Obama threatened to intervene if Russia doesn't end its military support for the Syrian military offensive, we could be in the middle of the most serious game of chicken since the Cuban missile crisis.

Nor do we know what Obama is telling the Turks and Saudis. On Monday, both countries toned down their bellicose rhetoric. Perhaps Obama delivered the only sane message possible: avoid a military confrontation with Russia at all costs. But it seems the lights will remain on at the Kremlin and the White House as the two nuclear powers look for some way to avoid a collision.

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How Scalia Distorts the Framers

From the Archive: The late Supreme Court Justice Scalia put his right-wing ideology above any respect for the Constitution's Framers, even resorting to a made-up view attributed to Alexander Hamilton in Scalia's dissent to the landmark upholding of the Affordable Care Act, wrote Robert Parry in 2012.

By Robert Parry (Originally published on July 4, 2012)

Antonin Scalia and the three other right-wing justices who sought to strike down health-care reform cited no less an authority on the Constitution than one of its key Framers, Alexander Hamilton, as supporting their concern about the overreach of Congress in regulating commerce.

In their angry dissent on June 28, 2012, the four wrote: "If Congress can reach out and command even those furthest removed from an interstate market to participate in the market, then the Commerce Clause becomes a font of unlimited power, or in Hamilton's words, 'the hideous monster whose devouring jaws . . . spare neither sex nor age, nor high nor low, nor sacred nor profane.'" They footnoted Hamilton's Federalist Paper No. 33.

That sounds pretty authoritative, doesn't it? Here's Hamilton, one of the strongest advocates for the Constitution, offering a prescient warning about "Obamacare" from the distant past of 1788. Except that Scalia and his cohorts are misleading you. In effect, they turned Hamilton's observation inside out.

In Federalist Paper No. 33, Hamilton was not writing about the Commerce Clause. He was referring to clauses in the Constitution that grant Congress the power to make laws that are "necessary and proper" for executing its powers and that establish federal law as "the supreme law of the land."

Hamilton also wasn't condemning those powers, as Scalia and his friends would have you believe. Hamilton was defending the two clauses by poking fun at the Anti-Federalist alarmists who had stirred up opposition to the Constitution with warnings about how it would trample America's liberties. In the cited section of No. 33, Hamilton is saying the two clauses had been unfairly targeted by "virulent invective and petulant declamation."

It is in that context that Hamilton complains that the two clauses "have been held up to the people in all the exaggerated colors of misrepresentation as the pernicious engines by which their local governments were to be destroyed and their liberties exterminated; as the hideous monster whose devouring jaws would spare neither sex nor age, nor high nor low, nor sacred nor profane."

In other words, Scalia and the three other right-wingers did not only apply Hamilton's comments to the wrong section of the Constitution but reversed their meaning. Hamilton was mocking those who were claiming that these clauses would be "the hideous monster."

Twisting the Framers

It is ironic indeed that Hamilton's words, countering alarmist warnings from his era's conservatives, would be distorted by this era's conservatives to spread new alarms about the powers of the Constitution.

Scalia's distortion also underscores a larger tendency on the Right to fabricate a false founding narrative that transforms key advocates for a strong central government the likes of Alexander Hamilton and James Madison into their opposites, all the better to fit with the Tea Party's fictional storyline.

Of course, Scalia's deception would be an easy sell to typical Tea Party advocates, whose certainty about their made-up history would be reinforced as they pretend to stand with the Framers, complete with tri-corner hats from costume shops and bright-yellow "Don't Tread on Me" flags.

Indeed, the Scalia-authored dissent reads more like a Tea Party manifesto than a carefully reasoned legal argument. The dissent sees the Affordable Care Act, which seeks to impose some rationality on America's chaotic health-insurance system, as a step toward a despotic scheme that would "make mere breathing in and out the basis for federal prescription and to extend federal power to virtually all human activity."

Some Supreme Court watchers even suspect that it may have been Scalia's intemperate tone that pushed Chief Justice John Roberts from a position of initially rejecting the Affordable Care Act outright as an unconstitutional use of the Commerce Clause to supporting its constitutionality under congressional taxing powers.

The four more liberal justices endorsed the law's constitutionality under the Commerce Clause but also joined with Roberts on his tax conclusion, thus upholding the law and sending Scalia and his three right-wing cohorts Anthony Kennedy, Clarence Thomas and Samuel Alito into a further paroxysm of rage.

What becomes clear in reading the dissent is that not only do the right-wing justices misrepresent the views of the Framers regarding the Commerce Clause, these justices misunderstand a central reality of why the Framers wrote the Constitution in 1787. The Framers junked the states-rights-oriented Articles of Confederation in favor of the Constitution because they *wanted* to solve the nation's problems.

Founding Pragmatists

Led by James Madison and George Washington, the drafters of the Constitution crafted a profoundly pragmatic document, filled not only with political compromises to pull together the 13 squabbling states but looking for practical solutions to address the challenges of a new, sprawling and disparate nation.

The Commerce Clause, which grants Congress the power to regulate interstate commerce, was not some afterthought but rather one of Madison's most cherished ideas, as Justice Ruth Bader Ginsburg noted in her opinion on behalf of the Court's four more liberal members.

Citing a 1983 ruling entitled *EEOC v. Wyoming*, Ginsburg noted that "the Commerce Clause, it is widely acknowledged, 'was the Framers' response to the central problem that gave rise to the Constitution itself.'"

That problem was a lack of national coordination on economic strategy, which hindered the country's development and made the nation more vulnerable to commercial exploitation by European powers, which looked to divide and weaken the newly independent United States.

Ginsburg wrote: "Under the Articles of Confederation, the Constitution's precursor, the regulation of commerce was left to the States. This scheme proved unworkable, because the individual States, understandably focused on their own economic interests, often failed to take actions critical to the success of the Nation as a whole."

The Articles of Confederation, which governed the country from 1777 to 1787, had explicitly asserted the "independence" and "sovereignty" of the 13 individual states, making the central government essentially a supplicant to the states for necessary financial support.

After watching the Continental Army suffer when the states reneged on promised funds, General Washington felt a visceral contempt for the concept of sovereign and independent states. He became a strong supporter of Madison's idea of a stronger central government, including one with the power to regulate commerce.

In 1785, Madison proposed a Commerce Clause as an amendment to the Articles, with Washington's strong support. "We are either a united people, or we are not," Washington wrote. "If the former, let us, in all matters of a general concern, act as a nation which have national objects to promote, and a national character to support. If we are not, let us no longer act a farce by pretending it to be."

Alexander Hamilton, who had served as Washington's chief of staff in the

Continental Army, explained the commerce problem this way: “[Often] it would be beneficial to all the states to encourage, or suppress, a particular branch of trade, while it would be detrimental . . . to attempt it without the concurrence of the rest.”

Madison himself wrote, regarding the failings of the Articles, that as a result of the “want of concert in matters where common interest requires it,” the “national dignity, interest, and revenue [have] suffered.”

However, Madison’s commerce amendment failed in the Virginia legislature. That led him to seek an even more radical solution scrapping the Articles altogether and replacing them with a new structure with a powerful central government whose laws would be supreme and whose powers would extend to coordinating a strategy of national commerce.

Building the Framework

As Madison explained to fellow Virginian Edmund Randolph in a letter of April 8, 1787, as members of the Constitutional Convention were gathering in Philadelphia, what was needed was a “national Government . . . armed with a positive & compleat authority in all cases where uniform measures are necessary.”

On May 29, 1787, the first day of substantive debate at the Constitutional Convention, it fell to Randolph to present Madison’s framework. The Commerce Clause was there from the start.

Madison’s convention notes on Randolph’s presentation recount him saying that “there were many advantages, which the U. S. might acquire, which were not attainable under the confederation such as a productive impost [or tax] counteraction of the commercial regulations of other nations pushing of commerce ad libitum &c &c.”

In other words, the Founders at their most “originalist” moment understood the value of the federal government taking action to negate the commercial advantages of other countries and to take steps for “pushing of [American] commerce.” The “ad libitum &c &c” notation suggests that Randolph provided other examples off the top of his head.

Historian Bill Chapman has summarized Randolph’s point as saying “we needed a government that could co-ordinate commerce in order to compete effectively with other nations.”

So, from the very start of the debate on a new Constitution, Madison and other key Framers recognized that a legitimate role of the U.S. Congress was to ensure

that the nation could match up against other countries economically and could address problems impeding the nation's economic strength and welfare.

This pragmatism imbued Madison's overall structure even as he included intricate checks and balances to prevent any one branch of government from growing too dominant. The final product also reflected compromises between the large and small states over representation and between Northern and Southern states over slavery, but Madison's Commerce Clause survived as one of the Constitution's most important features.

However, the Constitution's dramatic transfer of power from the states to the central government provoked a furious reaction from supporters of states' rights. The Articles' phrasing about state "sovereignty" and "independence" had been removed entirely, replaced with language making federal law supreme.

The Anti-Federalists recognized what had happened. As dissidents from the Pennsylvania delegation wrote: "We dissent because the powers vested in Congress by this constitution, must necessarily annihilate and absorb the legislative, executive, and judicial powers of the several states, and produce from their ruins one consolidated government."

Winning Ratification

As resistance to Madison's federal power-grab spread and as states elected delegates to ratifying conventions Madison feared that his constitutional masterwork would go down to defeat or be subjected to a second convention that might remove important federal powers like the Commerce Clause.

So, Madison along with Alexander Hamilton and John Jay began a series of essays, called the Federalist Papers, designed to counter the fierce attacks by the Anti-Federalists against the broad assertion of federal power in the Constitution.

Madison's strategy was essentially to insist that the drastic changes contained in the Constitution were not all that drastic, an approach he took both as a delegate to the Virginia ratifying convention and in the Federalist Papers. But Madison also touted the advantages of the Constitution and especially the Commerce Clause.

For instance, in Federalist Paper No. 14, Madison envisioned major construction projects under the powers granted by the Commerce Clause. "[T]he union will be daily facilitated by new improvements," Madison wrote. "Roads will everywhere be shortened, and kept in better order; accommodations for travelers will be multiplied and meliorated; an interior navigation on our eastern side will be opened throughout, or nearly throughout the whole extent of the Thirteen States.

“The communication between the western and Atlantic districts, and between different parts of each, will be rendered more and more easy by those numerous canals with which the beneficence of nature has intersected our country, and which art finds it so little difficult to connect and complete.”

While ignoring Federalist Paper No. 14, today’s right-wingers are fond of noting Madison’s Federalist Paper No. 45, in which he tries to play down how radical a transformation, from state to federal power, he had engineered in the Constitution.

Rather than view this essay in context Madison finessing the opposition the modern Right seizes on Madison’s rhetorical efforts to deflect the Anti-Federalist attacks by claiming that some of the Constitution’s federal powers were contained in the Articles of Confederation, albeit in far weaker form.

In Federalist Paper No. 45, entitled “The Alleged Danger From the Powers of the Union to the State Governments Considered,” Madison wrote: “If the new Constitution be examined with accuracy, it will be found that the change which it proposes consists much less in the addition of NEW POWERS to the Union, than in the invigoration of its ORIGINAL POWERS.”

Today’s Right also trumpets Madison’s summation, that “the powers delegated by the proposed Constitution to the federal government are few and defined. Those which are to remain in the State governments are numerous and indefinite.”

But the Right generally ignores another part of No. 45, in which Madison writes: “The regulation of commerce, it is true, is a new power; but that seems to be an addition which few oppose, and from which no apprehensions are entertained.”

In his ruling joining with his fellow right-wing justices in rejecting the application of the Commerce Clause to the Affordable Care Act Chief Justice Roberts does mention that line from Federalist Paper No. 45. However, he spins Madison’s meaning into a suggestion that the Commerce Clause should never contribute to any controversy.

Looking to the Future

However, what Madison’s comments about the Commerce Clause actually demonstrated was a core reality about the Framers that, by and large, they were practical men seeking to build a strong and unified nation. They also viewed the Constitution as a flexible document designed to meet America’s ever-changing needs, not simply the challenges of the late Eighteenth Century.

As Hamilton wrote in Federalist Paper No. 34, “we must bear in mind that we are not to confine our view to the present period, but to look forward to remote

futurity. Constitutions of civil government are not to be framed upon a calculation of existing exigencies, but upon a combination of these with the probable exigencies of ages, according to the natural and tried course of human affairs.

“Nothing, therefore, can be more fallacious than to infer the extent of any power, proper to be lodged in the national government, from an estimate of its immediate necessities. There ought to be a CAPACITY to provide for future contingencies as they may happen; and as these are illimitable in their nature, it is impossible safely to limit that capacity.”

Indeed, the Commerce Clause was a principal power that Madison crafted to deal with commercial challenges both current to his time and future ones that could not be anticipated by his contemporaries. There also was a reason why the Framers made the power to regulate interstate commerce unlimited. They wanted to invest in the elected representatives the United States the ability to solve future problems.

In Madison’s day, the nation’s challenges included the need for canals and roads that would move goods to market and enable settlers to travel westward into lands that European powers also coveted. Always a principal concern was how European competition could undermine the hard-won independence of the nation.

Though the Framers could not have envisioned the commercial challenges of the modern world, American businesses remain under intense foreign competition today, in part, because of an inefficient health-care system that imposes on U.S. businesses the cost of health insurance that drives up the price of American goods.

Under the current system, not only do many American businesses pay for their employees’ health care while most other developed nations pay medical bills through general taxation but U.S. companies indirectly pick up the cost of the uninsured who get emergency care and don’t pay.

So, a law that makes American businesses more competitive by addressing this “free-rider” problem and by assuring a healthier work force would seem to be right down the middle of the Framers’ intent in drafting the Commerce Clause.

No Practicality

In contrasting Justice Ginsburg’s opinion on the Affordable Care Act with Scalia’s dissent, one of the most striking differences is how the Framers are understood: Ginsburg sees them as pragmatic problem-solvers, while Scalia envisions them as rigid ideologues placing individual freedom above practical goals.

The core of the Scalia-written dissent is that the Constitution is NOT about solving problems, but rather following the most cramped interpretation of the words. Indeed, he ridicules Ginsburg for viewing the founding document as implicitly intended to give the elected branches of government the flexibility to address national challenges.

Yet, there was little question from either side that virtually every American participates in the commerce of health care from birth to death and that the health-insurance mandate in the Affordable Care Act was intended by Congress to regulate what is clearly a national market.

In the dissent, the four right-wing justices acknowledged that “Congress has set out to remedy the problem that the best health care is beyond the reach of many Americans who cannot afford it. It can assuredly do that, by exercising the powers accorded to it under the Constitution. The question in this case, however, is whether the complex structures and provisions of the Affordable Care Act go beyond those powers. We conclude that they do.”

Scalia noted that Ginsburg “treats the Constitution as though it is an enumeration of those problems that the Federal Government can address, among which, it finds, is ‘the Nation’s course in the economic and social welfare realm,’ and more specifically ‘the problem of the uninsured.’

“The Constitution is not that. It enumerates not federally soluble *problems*, but federally available *powers*. The Federal Government can address whatever problems it wants but can bring to their solution only those powers that the Constitution confers, among which is the power to regulate commerce. None of our cases say anything else. Article I contains no whatever-it-takes-to-solve-a-national--problem power.”

The right-wing justices insisted that the power to “regulate” commerce couldn’t possibly cover something like a mandate to buy health insurance.

Chief Justice Roberts in his own opinion, which rejected use of the Commerce Clause but then justified the Affordable Care Act under the Constitution’s taxing powers decided that some of the definitions of the word “regulate” couldn’t be applied because they were not the first definitions in the dictionaries of the late Eighteenth Century.

However, in an earlier opinion upholding the Affordable Care Act, conservative U.S. Appeals Court Judge Laurence Silberman noted that “At the time the Constitution was fashioned, to ‘regulate’ meant, as it does now, ‘[t]o adjust by rule or method,’ as well as ‘[t]o *direct*.’ To ‘direct,’ in turn, included ‘[t]o prescribe certain measure[s]; to mark out a certain course,’ and ‘[t]o order; to

command.'

"In other words, to 'regulate' can mean to require action, and nothing in the definition appears to limit that power only to those already active in relation to an interstate market. Nor was the term 'commerce' limited to only *existing* commerce. There is therefore no textual support for appellants' argument" that mandating the purchase of health insurance is unconstitutional.

However, in Roberts's ruling, the Chief Justice threw out certain definitions for "regulate", such as "[t]o order; to command", saying they were not among the top definitions in the dictionaries of the time. Roberts wrote, "It is unlikely that the Framers had such an obscure meaning in mind when they used the word 'regulate.'"

Needing Health Care

Scalia and Roberts also adopted a very narrow concept of participation in the health-care industry. Though it's undeniable that virtually all Americans from birth to death receive medical care of various types and at different times, the Court's five right-wing justices treated the gaps between those events as meaning people are no longer in the health market.

Roberts wrote: "An individual who bought a car two years ago and may buy another in the future is not 'active in the car market' in any pertinent sense. The phrase 'active in the market' cannot obscure the fact that most of those regulated by the individual mandate are not currently engaged in any commercial activity involving health care, and that fact is fatal to the Government's effort to 'regulate the uninsured as a class.'"

But, as Ginsburg noted in her opinion, this comparison is off-point, because a person can plan for the purchase of a car but often is thrust into the medical industry by an accident or an unexpected illness.

Over and over again, the five right-wing justices behaved as if they started out with a determination to reject a constitutional justification under the Commerce Clause and then dreamt up legal wording to surround their preconceived conclusion. In doing so, they treated the Constitution as some finicky legal document rather than what the Framers had intended, a vibrant structure for solving national problems.

And, as for the Framers' views regarding mandating American citizens to buy a private product, one can get a good idea of their attitude by examining the actions of the Second Congress in passing the Militia Acts, which mandated that every white male of military age buy a musket and related supplies. That Congress included actual Founders, such as James Madison. The law was signed by

George Washington, another Founder. [See Consortiumnews.com's "[The Founders' Musket Mandate.](#)"]

So, despite what today's Right wants you to believe, the Framers were not hostile to a strong central government; they were not big advocates of states' rights; they were not impractical ideologues contemplating their navels or insisting on some hair-splitting interpretation of their constitutional phrasing.

Rather, they were pragmatic individuals trying to build a nation. They wrote the Constitution specifically so the country could address its pressing problems and match up competitively with America's foreign rivals. Since Justices Scalia, Kennedy, Thomas and Alito don't have this real history on their side, they apparently saw little option but to make up their own.

Investigative reporter Robert Parry broke many of the Iran-Contra stories for The Associated Press and Newsweek in the 1980s. You can buy his latest book, *America's Stolen Narrative*, either in [print here](#) or as an e-book (from [Amazon](#) and [barnesandnoble.com](#)).

New GOP Plans for Torture

President Obama's failure to prosecute Bush-era torturers created an impunity that has encouraged some Republican presidential candidates to tout new plans for more torture if they reach the White House, a grotesque example of "American exceptionalism," as Nat Parry explains.

By Nat Parry

Troubling comments within the Republican presidential field over whether to reinstate torture and implement other war crimes have been drawing criticism lately, with the 2008 Republican presidential nominee, Arizona Senator John McCain, even feeling compelled to weigh in last week by calling out the "loose talk" in the Republican primaries.

On Feb. 9, McCain took to the Senate floor to [condemn](#) remarks by his Republican colleagues regarding the use of torture, saying that "these statements must not go unanswered because they mislead the American people about the realities of interrogation, how to gather intelligence, what it takes to defend our security and at the most fundamental level, what we are fighting for as a nation and what kind of nation we are."

McCain's remarks were a welcome breath of sanity in a Republican presidential race that has recently been dominated by discourse that sounds much like a warped competition to see who would be the most brutal and lawless in the treatment of suspected terrorists. The televised debate on Feb. 6, for example, featured candidates Marco Rubio, Ted Cruz and Donald Trump vying for the "tough guy" vote, each expressing varied levels of support for waterboarding and other discredited "enhanced interrogation techniques."

While Cruz said he would support waterboarding in limited circumstances, Trump pledged to not only reintroduce the technique in a widespread way, but also introduce even more draconian torture practices if elected: "I would bring back waterboarding, and I would bring back a hell of a lot worse than waterboarding," he said.

Rubio also reiterated his support for waterboarding, saying that terrorism cases should not be held to the same humane legal standards of traditional law enforcement. "Well, when people talk about interrogating terrorists, they're acting like this is some sort of law enforcement function," he said. "Law enforcement is about gathering evidence to take someone to trial, and convict them. Anti-terrorism is about finding out information to prevent a future attack so the same tactics do not apply."

Taking this to its logical conclusion, what Rubio seems to be saying is that it is perfectly permissible to detain individuals suspected of ties to terrorism, without due process (or evidence), torture them into providing information, which may or may not be true including perhaps identifying other suspected terrorists in an endless process of extra-legal detention and torture that produces neither actionable intelligence nor evidence that can be used in a court of law.

It was precisely this sort of strategy that led to at least 26 of 119 detainees being wrongfully held and tortured in the CIA's rendition program under George W. Bush, according to the Senate report on torture that was released in late 2014. (When asked about this later, former Vice President Dick Cheney coldly stated that he's "more concerned with bad guys who got out and released than I am with a few that, in fact, were innocent.")

This mentality of endless detention and interrogation is also largely responsible for the legal abomination of Guantanamo, and has complicated President Obama's efforts in shuttering the prison. Because so much of the evidence against the detainees is tainted by torture, the evidence is inadmissible in court, making it impossible to bring them to trial in the United States.

But Rubio along with other Republican candidates has made it clear that it is a mistake to close the Guantanamo prison, which for 14 years has served as a legal black hole where detainees are denied the rights and protections they would be given by the Geneva Conventions or the Bill of Rights.

Rather than shuttering the prison, Rubio argued that it should be kept open indefinitely: "Here's the bigger problem with all this," he said. "We're not interrogating anybody right now. Guantanamo's being emptied by this president. We should be putting people into Guantanamo, not emptying it out, and we shouldn't be releasing these killers who are rejoining the battlefield against the United States."

In an earlier presidential debate, Rubio made clear that under his administration, indefinite detention and torture would be most welcome. "If we capture terrorists," he said, "they're going to Guantanamo, and we will find out everything they know."

As for Trump, when he was pressed on his statements about bringing back waterboarding and devising even more brutal torture methods, he decided to double down rather than backtrack.

On Feb. 7, the real-estate-mogul-turned-reality-TV-star-turned-presidential-contender appeared on "This Week" with George Stephanopoulos. "As president, you would authorize torture?" Stephanopoulos asked Trump.

"I would absolutely authorize something beyond waterboarding," Trump said. "And believe me, it will be effective. If we need information, George, you have our enemy cutting heads off of Christians and plenty of others, by the hundreds, by the thousands."

When asked whether we "win by being more like them," i.e., to mimic the tactics of Islamic State terrorists, Trump stated flatly, "Yes."

"I'm sorry," he elaborated. "You have to do it that way. And I'm not sure everybody agrees with me. I guess a lot of people don't. We are living in a time that's as evil as any time that there has ever been. You know, when I was a young man, I studied Medieval times. That's what they did, they chopped off heads."

"So we're going to chop off heads?" Stephanopoulos asked.

"We're going to do things beyond waterboarding perhaps, if that happens to come," Trump replied.

Trump has even insinuated that Cruz is a "pussy" for hinting that he might show

some degree of restraint in the use of torture. With this kind of talk, it's clear that on the Republican side, the discussion has gone off the rails, leading several human rights groups to remind the U.S. of its moral and legal obligations not to engage in sadistic and cruel practices such as waterboarding.

"Waterboarding meets the legal definition of torture, and is therefore illegal," recalled Human Rights First's Raha Walla on Feb. 11. "Torture under U.S. and international law means acts that cause severe mental or physical pain or suffering. There's no question that waterboarding meets that definition."

Amnesty International's Naureen Shah also issued a rebuttal to the debate over waterboarding, which she described as "slow-motion suffocation." She pointed out the obvious that "the atrocities of the armed group calling itself Islamic State and other armed groups don't make waterboarding okay."

What the current "debate" over bringing back torture highlights, however, besides how perverse the Republican dialogue has become, is why prosecutions of the Bush-era CIA torture program are essential, and why it is so damaging that the Obama administration has shirked its responsibilities in this regard for more than seven years.

As human rights advocates have long maintained, prosecuting Bush administration and CIA officials involved with the torture of terrorism suspects in the post-9/11 period is needed so that torture is not repeated in the future by subsequent administrations who because of previous decisions not to prosecute may consider themselves above the law.

Indeed, this is precisely why there is a requirement under international law for allegations of torture to be investigated and prosecuted so that torture does not become a "policy option" to be utilized or shelved depending on the political whims of the day.

This is a point that Amnesty International, for one, drove home following the release of the Senate's CIA torture report in December 2014. In a statement entitled "Senate summary report on CIA detention programme must not be end of story," Amnesty lamented that limited Justice Department investigations into CIA interrogations were ended in 2012 with no charges.

Human Rights Watch concurred, noting that unless the release of the Senate report leads to prosecutions, torture will remain a "policy option" for future presidents.

The UN Special Rapporteur on Human Rights and Counterterrorism Ben Emmerson stated unequivocally that senior officials from the Bush administration who sanctioned crimes, as well as the CIA and U.S. government officials who carried

them out, must be investigated and prosecuted.

“It is now time to take action,” Emmerson said on Dec. 9, 2014. “The individuals responsible for the criminal conspiracy revealed in today’s report must be brought to justice, and must face criminal penalties commensurate with the gravity of their crimes. The fact that the policies revealed in this report were authorized at a high level within the U.S. government provides no excuse whatsoever. Indeed, it reinforces the need for criminal accountability.”

International law prohibits the granting of immunity to public officials who have engaged in acts of torture, Emmerson pointed out. He further emphasized the United States’ international obligation to criminally prosecute the architects and perpetrators of the torture methods described in the report:

“As a matter of international law, the U.S. is legally obliged to bring those responsible to justice. The UN Convention Against Torture and the UN Convention on Enforced Disappearances require States to prosecute acts of torture and enforced disappearance where there is sufficient evidence to provide a reasonable prospect of conviction. States are not free to maintain or permit impunity for these grave crimes.”

Zeid Raad al-Husseini, the UN High Commissioner for Human Rights, said that it’s “crystal clear” that the United States has an obligation under the UN Convention against Torture to ensure accountability.

“In all countries, if someone commits murder, they are prosecuted and jailed. If they commit rape or armed robbery, they are prosecuted and jailed. If they order, enable or commit torture, recognized as a serious international crime, they cannot simply be granted impunity because of political expediency,” he said.

UN Secretary-General Ban Ki-moon expressed hope that the release of the torture report was the “start of a process” toward prosecutions, because the “prohibition against torture is absolute,” Ban’s spokesman said.

Needless to say, these appeals largely fell on deaf ears, with no criminal investigations launched whatsoever. Instead, the U.S. Congress responded with a symbolic “reaffirmation” of the ban on the torture a largely redundant and unnecessary piece of legislation since torture has long been unambiguously banned under international law, the United States Constitution and U.S. criminal statutes.

For his part, Obama used the publication of the Senate report as an opportunity to tout the virtues of the United States, and actually praised the CIA for its professionalism in carrying out its responsibilities.

Following the publication of the Senate report, in a statement obliquely trumpeting the notion of “American Exceptionalism,” Obama said: “Throughout our history, the United States of America has done more than any other nation to stand up for freedom, democracy, and the inherent dignity and human rights of people around the world.” He went on to offer a tacit defense of the torture techniques while touting his own virtue in bringing these policies to an end.

“In the years after 9/11, with legitimate fears of further attacks and with the responsibility to prevent more catastrophic loss of life, the previous administration faced agonizing choices about how to pursue al Qaeda and prevent additional terrorist attacks against our country,” he said. Although the U.S. did “many things right in those difficult years,” he acknowledged that “some of the actions that were taken were contrary to our values.”

“That is why I unequivocally banned torture when I took office,” Obama said, “because one of our most effective tools in fighting terrorism and keeping Americans safe is staying true to our ideals at home and abroad.” He went on to claim that he would use his authority as President “to make sure we never resort to those methods again.”

But clearly, by blocking criminal investigations into the policy’s architects, Obama has done very little in a practical sense to ensure that those methods are not used again.

In an op-ed published by Reuters following the release of the Senate report, Human Rights Watch director Kenneth Roth called out the President for “steadfastly refus[ing] to permit a broad investigation of the use of torture after 9/11, allowing only a narrow investigation into unauthorized interrogation techniques that resulted in no prosecutions.”

Unless the Senate report’s revelations lead to prosecution of officials, torture will remain a “policy option” for future presidents, noted HRW. This is exactly what we are seeing play out today with the “loose talk,” as McCain calls it, regarding bringing back torture as official U.S. policy.

Following the one-year anniversary of the Senate torture report being released, Human Rights Watch reiterated its calls for prosecutions in a 153-page report, “No More Excuses: A Roadmap to Justice for CIA Torture.” The HRW report, released Dec. 1, 2015, challenges claims that prosecutions are not legally possible and outlines U.S. legal obligations to provide redress to victims of torture. It also details actions that other countries should take to pursue criminal investigations into CIA torture.

Of course, this report, like virtually all other calls for justice on the

torture question over the past seven years, has been studiously ignored by Official Washington. And with the Republicans now falling over each other to pledge their support for illegal policies of torture and brutality, we are seeing the fruits of Obama's refusal to uphold the laws of the land.

Nat Parry is the co-author of *Neck Deep: The Disastrous Presidency of George W. Bush.* [This story originally appeared at Essential Opinion, <https://essentialopinion.wordpress.com/2016/02/14/gop-torture-debate-and-obamas-failure-to-prosecute/>]
