OMNI US LAWLESSNESS NEWSLETTER #1, Compiled by Dick Bennett for a Culture of Peace and Justice.

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"Anyone can just go in there and kill someone, but you can't get information from a corpse." SEAL motto http://www.specialoperations.com/Focus/quotes.html

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US HISTORY OF IMPERIAL CONQUEST
DELUSIONAL NATIONAL MYTHS LEADING TO IMPERIAL DREAMS


Lawlessness of US Empire


Rise of Imperial Presidency


Noam Chomsky, “Anniversaries From ‘Unhistory’”

Op-Ed, NationofChange, Feb. 7, 2012: George Orwell coined the useful term “unperson” for creatures denied personhood because they don’t abide by state doctrine. We may add the term “unhistory” to refer to the fate of unpersons, expunged from history on similar grounds. The unhistory of unpersons is illuminated by the fate of anniversaries. Important ones are usually commemorated, with due solemnity when appropriate: Pearl Harbor, for example. Some are not, and we can learn a lot about ourselves by extricating them from unhistory. READ | DISCUSS | SHARE http://www.nationofchange.org/anniversaries-unhistory-1328625093

See OMNI’s Newsletter on Torture.

ONE OF THE LEGAL RATIONALIZERS: JOHN YOO

A Bush Justice Dept. attorney who wrote memoranda justifying harsh interrogations of terrorism suspects, and in August 2002 was the principal author of a memorandum sent to the CIA authorizing “waterboarding.”

On May 2, 2012 a federal appeals court dismissed the lawsuit against Yoo by Jose Padilla claiming Yoo was responsible for violating his constitutional rights when Padilla was detained for three years as an “enemy combatant” and tortured: “Immunity Stands in Detainee Suit.” ADG May 3, 2012).

Book excerpt: With Liberty and Justice for Some

How Ford's treatment of Nixon launched a new era of elite immunity -- and pervasive, limitless corruption

By Glenn Greenwald

Following is an excerpt from Glenn Greenwald’s new book, *With Liberty and Justice for Some: How Law is Used to Destroy Equality and Protect the Powerful*; this is from the section of the book examining how the Ford pardon of Nixon entrenched the corrupt precepts of modern elite immunity:

As multiple episodes demonstrate, a belief that elite immunity is both necessary and justified became the prevailing ethos in the nation’s most influential circles. In countless instances over recent years, prominent political and media figures have insisted that serious crimes by the most powerful should be overlooked— either in the name of the common good, or in the name of a warped conception of fairness according to which those with the greatest power are the most entitled to deference and
understanding.

This is what makes the contemporary form of American lawlessness new and unprecedented. It is now perfectly common, and perfectly acceptable, to openly advocate elite immunity. And this advocacy has had its intended effect: the United States has become a nation that does not apply the rule of law to its elite class, which is another way of saying that the United States does not apply the rule of law. . . .

If the threat of real punishment for criminality is removed, for many rational people there will be little incentive to abide by the law and much incentive to break it. Alexander Hamilton, in *Federalist 15*, explained why.

It is essential to the idea of a law, that it be attended with a sanction; or, in other words, a penalty or punishment for disobedience. If there be no penalty annexed to disobedience, the resolutions or commands which pretend to be laws will, in fact, amount to nothing more than advice or recommendation.

For the nation’s most powerful elites, the law has indeed been whittled down to “nothing more than advice or recommendation.” Although there have been episodes of unpunished elite malfeasance throughout American history, the explicit, systematic embrace of the notion that such malfeasance should be shielded from legal consequences begins with the Watergate scandal—one of the clearest cases of widespread, deliberate criminality at the highest level of the U.S. government.

By the scandal’s conclusion, few contested that not only Nixon’s top aides but Nixon himself had committed serious felonies—either in authorizing the break-in and related illegalities, or in obstructing the ensuing investigation. Nonetheless, Nixon was ultimately shielded from all legal consequences thanks to the pardon granted by his handpicked vice president, Gerald Ford—who, it was widely believed, secured his appointment by agreeing to protect Nixon from prosecution.

Ford first explained his decision to pardon Nixon in a speech to the nation on September 8, 1974. The new president began by paying lip service to the rule of law: “I deeply believe in equal justice for all Americans, whatever their station or former station. The law, whether human or divine, is no respecter of persons; but”—and here he tacked on a newly concocted amendment designed to gut that phrase’s meaning—“the law is a respecter of reality.” Ford then proceeded to recite what have by now become the standard clichés our political class uses to justify immunity. Watergate, he intoned, is an American tragedy in which we all have played a part. It could go on and on and on, or someone must write the end to it. I have concluded that only I can do that, and if I can, I must. . . .

The facts, as I see them, are that a former President of the United States, instead of enjoying equal treatment with any other citizen accused of violating the law, would be cruelly and excessively penalized either in preserving the presumption of his innocence or in obtaining a speedy determination of his guilt in order to repay a legal debt to society.

During this long period of delay and potential litigation, ugly passions would again be aroused. And our people would again be polarized in their opinions. And the credibility of our free institutions of government would again be challenged at home and abroad. . . .

My conscience tells me clearly and certainly that I cannot prolong the bad dreams that continue to reopen a chapter that is closed. My conscience tells me that only I, as President, have the constitutional power to firmly shut and seal this book. My conscience tells me it is my duty, not merely to proclaim domestic tranquility but to use every means that I have to insure it.

Remarkably, Ford explicitly pointed to Nixon’s lofty status as a reason to exempt him from the accountability applied to ordinary Americans—a complete reversal and rejection of the central covenant of the American founding. Ford’s signature line—“Our long national nightmare is over”—
put a heroic spin on the betrayal of the rule of law: we end the “nightmare” of high-level criminality by sweeping it under the rug, protecting the wrongdoers, and pretending their crimes never happened.

Upon Ford’s death in December 2006, prominent figures rushed forth to consecrate his pardon of Nixon as an act of great nobility, magnanimity, and self-sacrifice, and thus to glorify its underlying premises. Leading the charge, not surprisingly, was Dick Cheney, Ford’s former chief of staff and the then-vice president. By 2006, Cheney himself had been accused of involvement in a wide variety of illegal acts, from establishing a worldwide torture regime and spying on Americans without warrants to outing a covert CIA agent and obstructing the resulting investigation.

Cheney’s own interests were thus clearly served by exploiting Ford’s death to bolster the propagandistic notion that elite immunity is dispensed not for the benefit of the powerful but rather in patriotic service of the common good. At Ford’s funeral, Cheney eulogized his former boss by heralding the pardon as an act of national salvation. . . .

In fairness to Dick Cheney, we heard the same message from others, almost note for note. The Washington Post’s David Broder— the so-called dean of the Washington press corps— spoke for many journalists, past and present, when asked what would have happened had Nixon not been immunized.

My guess is that there would have been strong public pressure for prosecution of Richard Nixon, since several of his White House associates were already facing criminal charges. A lengthy trial would have been a difficult ordeal for the country, something President Ford wanted to spare Americans.

The actual beneficiary of the pardon, of course, was not “Americans” but Richard Nixon. Thanks to Ford’s act, Nixon himself was shielded from the kind of punishment that, as a “law-and-order” Republican, he had devoted his career to imposing on ordinary Americans when they broke the law, no matter how petty the offense. Yet this grant of immunity to the nation’s most powerful figure was endlessly cast as a generous gift to the American public, which—we were repeatedly told— had been spared the agony, acrimony, and shame of seeing their leader held accountable for his crimes as any other citizen would be.

The Nixon pardon, and the way it was sold to the country, became the template for justifying elite immunity. Nowadays, with only rare exceptions, each time top members of the nation’s political class are caught committing a crime, the same reasons are hauled out to get them off the hook. Prosecuting public officials mires us in a “divisive” past when we should be looking forward. It is wrong to “criminalize policy disputes”— meaning crimes committed with the use of political power. Political elites who commit crimes in carrying out their duties are “well-intentioned” and so do not deserve to be treated as if they were common criminals; moreover, politicians who are forced out of office and have their reputations damaged already “suffer enough.” To prosecute them would only engender a cycle of retribution. Political harmony thus trumps the need to enforce the rule of law.

Of course, all criminal prosecutions are, by definition, exercises in looking to the past rather than the future. All prosecutions impose substantial burdens on the accused, cost enormous amounts of time and money to resolve, and are plagued by numerous imperfections. The nation always faces pressing challenges and urgent problems from which headline-grabbing prosecutions will distract attention. All individuals accused of serious crimes suffer in multiple ways long before—and completely independent of— any actual punishment. And while it is true that criminal proceedings involving politicians who commit crimes in office inevitably engender partisan divisions and undermine political harmony, citing these circumstances as just cause for legal immunity is, by definition, creating a license to break the law. . . .

That dynamic expresses the underlying motive of the political and media classes’ general defense of elite immunity: by protecting the lawbreaking license for other powerful individuals, they strengthen a
custom of which they might avail themselves if they too break the law and get caught. It is class-based, self-interested advocacy. That is why belief in this prerogative and the devotion to protecting it transcend political ideology, partisan affiliation, the supposed wall between political and media figures, and every other pretense of division within elite classes. It is in the interest of every member of the privileged political and financial class, regardless of role or position, to maintain the vitality of this immunity. And what we have seen over the last decade is the inevitable by-product of elite immunity: pervasive, limitless elite corruption and criminality.

For more on the book, see here. Continue Reading

**OBAMA AND DRONES**

From: George Monbiot <news@monbiot.com>
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‘Bug-Splats’

Posted: 17 Dec 2012 11:44 AM PST

Some dead children are mourned; others are dehumanised.

By George Monbiot, published in the Guardian 17th December 2012

“Mere words cannot match the depths of your sorrow, nor can they heal your wounded hearts ... These tragedies must end. And to end them, we must change.”(1) Every parent can connect with what Barack Obama said about the murder of 20 children in Newtown, Connecticut. There can scarcely be a person on earth with access to the media who is untouched by the grief of the people of that town.

It must follow that what applies to the children murdered there by a deranged young man also applies to the children murdered by a sombre American president. These children are just as important, just as real, just as deserving of the world’s concern. Yet there are no presidential speeches or presidential tears for them; no pictures on the front pages of the world’s newspapers; no interviews with grieving relatives; no minute analysis of what happened and why.

If the victims of Mr Obama’s drone strikes are mentioned by the state at all, they are discussed in terms which suggest that they are less than human. The people who operate the drones, Rolling Stone magazine reports, describe their casualties as “bug splats”, “since viewing the body through a grainy-green video image gives the sense of an insect being crushed.”(2) Or they are reduced to vegetation: justifying the drone war, Obama’s counterterrorism adviser Bruce Riedel explained that “you’ve got to mow the lawn all the time. The minute you stop mowing, the grass is going to grow back.”(3)

Like Bush’s government in Iraq, Barack Obama’s administration neither documents nor acknowledges the civilian casualties of its drone war in north-west Pakistan. But a report by the law schools at Stanford and New York universities suggests that during the first three years of his time in office, the 259 strikes for which he is ultimately responsible killed between 297 and 569 civilians, of whom 64 were children(4). These are figures extracted from credible reports: there may be more which have not been fully documented.

The wider effects on the children of the region have been devastating. Many have been withdrawn from school because of fears...
being targeted. There have been several strikes on schools since George W Bush launched the drone programme that Obama has expanded so enthusiastically: one of Bush’s blunders killed 69 children(5).

The study reports that children scream in terror when they hear the sound of a drone. A local psychologist says that their fear is causing permanent mental scarring. Children wounded in drone attacks told the researchers that they are too traumatised to go back to school and have abandoned hopes of the careers they might have had: their dreams as well as their bodies have been broken(6).

Obama does not kill children deliberately. But their deaths are an inevitable outcome of the way his drones are deployed. We don’t know what emotional effect these deaths might have on him, as neither he nor his officials will discuss the matter: almost everything to do with the CIA’s extrajudicial killings in Pakistan is kept secret. But you get the impression that no one in the administration is losing much sleep over it.

Two days before the murders in Newtown, Obama’s press secretary was asked about women and children being killed by drones. He refused to answer, on the grounds that such matters are “classified”(7). Instead, he directed the journalist to a speech by John Brennan, Obama’s counterterrorism assistant. Brennan insists that “al-Qaida’s killing of innocents, mostly Muslim men, women and children, has badly tarnished its appeal and image in the eyes of Muslims”(8). He appears unable to see that the drone war has done the same for the United States. To Brennan the people of north-west Pakistan are neither insects nor grass: his targets are a “cancerous tumour”, the rest of society “the tissue around it”. Beware of anyone who describes a human being as something other than a human being.

Yes, he conceded, there is occasionally a little “collateral damage”, but the US takes “extraordinary care [to] ensure precision and accuracy and act only if there’s “an actual ongoing threat” to American lives(9). This is cock and bull with bells on.

The “signature strike” doctrine developed under Obama, which has no discernable basis in law, merely looks for patterns(10). A party of unknown men carrying guns (which scarcely distinguishes them from the rest of the male population of north-west Pakistan), or a group of unknown people who look as if they might be plotting something. This is how wedding and funeral parties get wiped out; this is why 40 elders discussing royalties from a chromite mine were blown up in March last year(11). It is one of the reasons why children continue to be killed.

Obama has scarcely mentioned the drone programme and has said nothing about its killing of children. The only statement I can find is a brief and vague response during a videoconference last January(12). The killings have been left to others to justify. In October the Democratic cheerleader Joe Klein claimed on MSNBC that “the bottom line in the end is whose 4 year-old get killed? What we’re doing is limiting the possibility that 4 year-olds here will be killed by terror.”(13) As the estimable Glenn Greenwald has pointed out, killing 4 year-olds is what terrorists do(14). It doesn’t prevent retaliatory murders; it encourages them, as grief and revenge are often accomplices.

Most of the world’s media, which has rightly commemorated the children of Newtown, either ignores Obama’s murders or accepts killed are “militants”. The children of north-west Pakistan, it seems, are not like our children. They have no names, no pictures, no memorials of candles and flowers and teddy bears. They belong to the other: to the non-human world of bugs and grass and tissue.

“Are we,” Obama asked on Sunday, “prepared to say that such violence visited on our children year after year after year is somehow the price of our freedom?”(15) It’s a valid question. He should apply it to the violence he is visiting on the children of Pakistan.

www.monbiot.com

References:

1. http://www.guardian.co.uk/world/2012/dec/17/obama-speech-newtown-school-shooting


6. International Human Rights and Conflict Resolution Clinic at Stanford Law School and Global Justice Clinic at NYU School


9. John Brennan, as above.

10. International Human Rights and Conflict Resolution Clinic at Stanford Law School and Global Justice Clinic at NYU School


15. http://www.guardian.co.uk/world/2012/dec/17/obama-speech-newtown-school-shooting

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