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Censoring Away A President's Criminal Activity



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The world has gotten little but grief from the post-World War II crop of U.S. presidents. Whatever the nature of their domestic policies, often influenced by selfish and biased special interests, their foreign policies have often been much worse.

How many Central and South Americans have been murdered, tortured and raped by military thugs trained and supported by the U.S. government? U.S. presidents, blinded by ideology, pushed NATO to the borders of Russia and thereby bear much responsibility for the destruction of Ukraine. An entire people—the Palestinians—have been condemned to near destruction with the aid of U.S. support for Israel. And then there was Iraq where, on the

basis of nothing more than deception, ignorance and an utter incapacity to think objectively, the administration of George W. Bush killed countless individuals through sanctions and war. These, of course, are only the highlights, but they tell the same generic story—a “superpower” that turned its back on the rule of law, in this case international law, and in the name of “national interest” wreaked havoc upon mostly innocent populations.

Most American citizens are unaware of this side of foreign policy. Their culture, their education, and their media keep them in the dark. Culture does so through a process of “natural localism” (a universal phenomenon) which leads most individuals to concentrate their interests and awareness on local matters. Education does so by striving to turn the average student into a loyal citizen. And finally, the media, under normal circumstances, does so by censoring the news in a way that deemphasizes, or simply makes disappear, the crimes of the nationstate, thus maintaining public ignorance.

The Expert Opinion of Benjamin Ferencz

We have recently been given an example of this media manipulation of the facts in a striking way—the censored obituary of an expert on war crimes. His name was Benjamin Ferencz and he was “the last surviving member of the team of prosecutors at the Nuremberg trials after World War II. This was the judicial process that led to the convictions of many top Nazi officials” for the waging of aggressive war, and has since been understood as a model of justice for war crimes. Ferencz died in early April 2023 at the age of 103.

Ferencz’s exemplary role at the end of World War II was noted in many obituaries appearing in, among others, the New York Times, the Washington Post, the BBC, The Guardian, Reuters, the Associated Press, the New York Daily News, CBS, Bloomberg, the Associated Press, UPI, the Jewish Telegraphic Agency, Le Monde, the New York Post, the Daily Mail, and the New York Sun. Most mentioned that he had “served in the U.S. Army during the war and in its aftermath investigated the conditions at the Buchenwald, Mauthausen, and Dachau concentration camps” and then, after the war, had spent much of his life “advocating for the creation of an international criminal court and accountability for war criminals generally.” Yet these obituaries were incomplete. Something important was missing.

As pointed out in a 12 April 2023 article in The Intercept by Jon Schwarz entitled, “Obituaries For Nuremberg Prosecutor Erase His Beliefs About The U.S.” the thing missing was Ferencz’s expert opinion that the U.S.’s “preemptive military strike [on Iraq was] not authorized by the Security Council [and therefore] clearly violates the UN Charter that legally binds all nations.” And, given the nature of the attack and its consequences, “top

members of the George W. Bush administration, including Bush himself, should have been tried for war crimes.”

Ferencz’s position was not unknown to the media for he had expressed it often and publicly. And, on isolated occasions, his words were reported. His words of warning concerning Iraq appeared in the New York Times in 2002, in an interview in late 2003, in two book forwards in 2009. The English newspaper The Guardian tells us that in recent years Ferencz was still giving television interviews and arguing “that those responsible for atrocities in Ukraine must be brought to trial.” His similar words about the invasion of Iraq are left out by The Guardian. NPR’s on-air obituary mentions Ukraine twice, but also omits any reference to Iraq. The Washington Post obituary quotes Ferencz’s statement at Nuremberg about the German leaders on trial, “If these men be immune, then law has lost its meaning, and man must live in fear.” It is silent on his later statement, “The invasion by the U.S. of Iraq ... would also qualify under the Nuremberg principles as a violation of international law. ... [Given] the factual situation as we have in Iraq, I think [there] should be a trial which is absolutely fair and should include all the principal perpetrators and planners of the crimes which occurred.”

The Case of George W. Bush

It is enlightening to juxtapose the stature and beliefs of Benjamin Ferencz with the man he accuses of war crimes, George W. Bush. Just who is George W.? In his youth he was a classic under-achiever riding the coattails of his high achieving father who had been U.S. president from 1993 to 1997. For instance, “Bush Jr. was admitted to Yale in 1964 under an affirmative-action policy for children of alumni.” Both his father and grandfather had gone to Yale. He was consistently a C student. Subsequently, most likely using his father’s connections, he went to Harvard Business school. Despite these diplomas, the conclusion drawn by one of his major biographers, Jean Edward Smith, is that Bush came to the presidency “untutored, untraveled, and unversed in the ways of the world.” If he had chosen to, he could have campaigned for the presidency by presenting himself as the archetypical unexceptional citizen—and, it would appear, that he would have won, nonetheless.

As president, he gathered around him a group of men devoid of any respect for the rule of law—men such as Donald Rumsfeld and Dick Cheney. Both were more adept at politics than Bush and so exercised an inordinate amount of influence on policy.

So, how did this man who was known not only for his ignorance, but also for an “arrogant defensiveness,” rationalize his use of power? According to Smith, he came to “believe he was the agent of God’s will and acting with divine guidance. ... he became dedicated to the

projection of American hegemony.” When the 9/11 attacks occurred, this delusion helped rationalize a campaign “to take on the terrorist threat in Syria, Iran, and Iraq as well as Afghanistan and Pakistan.” That, in turn, carried the U.S. “beyond the bounds of legally acceptable behavior”—a complete abandonment of international law (the significance of which probably never occurred to Bush) and a commitment to an official U.S. form of state terror that involved widespread torture and a system of hidden prisons.

Jean Edward Smith concludes that the decision to invade Iraq “will likely go down in history as the worst foreign policy decision ever made by an American president.” Well, maybe. But anyway you care to see it, it involved a strong blow against the rule of law.

Rehabilitating Bush = Censorship of Ferencz

The rehabilitation of George W. Bush, and indeed the nation he led so poorly, demanded the censorship of Benjamin Ferencz’s expert and morally grounded judgment. This is a job the media performed with disregard for possible consequences. What consequences? Consider the following:

In a now rarely regarded warning, Robert Jackson, the chief justice at the Nuremberg trials, said at the time that the process he oversaw at the end of World War II represented an effort “to utilize international law to meet the greatest menace of our times—aggressive war.” He saw this as such a devastating and malignant set of threats that “civilization cannot tolerate their being ignored, because it cannot survive their being repeated.” Further, “we must never forget that the record on which we judge these [Nazi] defendants is the record on which history will judge us tomorrow. To pass these defendants a poisoned chalice [excuse them because they followed German-Nazi law] is to put it to our own lips as well.”

Benjamin Ferencz tirelessly repeated this warning. Shortly after Bush began his aggressive war against Iraq, he sought to remind us that the United Nations charter is “international law binding on all nations. We owe it to the memory of the dead to honor these commitments to peace.” He also had a sense of why some of the most powerful pay no attention to these reminders. “No country that prefers to use its power rather than the rule of law will vote for the rule of law. There are some people who do not trust the rule of law, and they prefer to use military power to achieve their goals as they decide, when they decide.”

Clearly George W. Bush was such a person and that attitude made him into a murderer. Yet, subsequently, Bush had the short-term memory of the masses and the willful selective memory of the mass media on his side. And, in an act that rivaled Stalin’s order to make his rivals disappear from group photos with Lenin, the U.S. media made Benjamin Ferencz condemnation of American lawlessness disappear.

Conclusion

Would it have made any difference if Ferencz's obituary was not censored? As an isolated revelation, it probably would not have mattered.

Nonetheless, there have been times of mass protest—those against the Vietnam war and later during the build up to the invasion of Iraq—which challenged the media's usual docile role. In the former case much of the media slowly changed its tune as it was dragged to an anti-war position by evolving public opinion. That evolution was largely the product of organized anti-war citizens (who are always present, as a minority group, in most societies) and their ability to grow in numbers by virtue of the returning body bags the war produced. Still, the influence on policy of both the protest movement and the media's growing skepticism of the Vietnam "police action" was marginal. It was not until it became clear that, short of using nuclear weapons, the war could not be won that government policy changed. In a second example, in 2003, hundreds of thousands of people, both in the U.S. and elsewhere in the world, protested the imminent invasion of Iraq. President Bush characterized the protests as "focus groups." He then declared that he was not going to make policy based on the opinions of focus groups. Of course, things might be different if the media consistently followed the standards of Benjamin Ferencz rather than those held by George W. Bush. After all, as seemed to be the case with the Spanish American war of 1898, the media so sensationalized events (a phenomenon called Yellow Journalism) that it helped bring about war. Why couldn't the process be reversed? Why indeed.

As a whole, neither the citizenry, nor those running the media, have much ability to think beyond their culture and traditions. As a result, in the United States, both will initially tend to trust what the government says. This is particularly so as regards foreign policy, where events usually have no immediate impact on the home front. Given these facts, there seems little incentive either in terms of their reputation or economic prospects, for media corporations to break with the government line as long as a large percentage of the population does not start to question policy—something successfully avoided by the Bush administration during its invasion and occupation of Iraq.

The result is often a no-win situation for those who are effective critics of the government—activists such as Eugene Debs (who questioned U.S. involvement in World War I, Martin Luther King jr. (who questioned the Vietnam war), and Benjamin Ferencz too—people who have the potential to stand as prophetic models for their fellow citizens. In their censored absence we are left with something of a three-way relationship: the media, the government,

and the citizenry, each taking cues from the other, as they walk down what, all too often, turns out to be a primrose path.

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