

# Nuremberg, California?

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There is a general belief that the peace movement in the United States is flagging.

Many reasons are offered why the anti-war movement is not as strong as it might be: diversion into electoral campaigns; disillusionment after previous electoral victories that turned out (or perhaps, should have been expected) to be hollow; the absence of a draft; college campuses becoming increasingly competitive and students career-focused; increasing economic difficulties for the general population.

As far as we at elite universities are concerned, one version of the argument suggests that students have little direct contact with the war; that they can avoid the war, and don't have to think about it.

But that argument doesn't apply when you live in Nuremberg, California.

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It's now over 5 years since the largest anti-war demonstration ever seen in the history of the universe. In February 2003, before the war had even started, some 10 million people around the world marched for peace, for the avoidance of an aggressive war, to stop an illegal and immoral invasion.<sup>1</sup>

I knew! I marched with 150,000 people — in Melbourne, Australia; the largest protest the country had ever seen — until the record was surpassed in Sydney a couple of days later.<sup>2</sup> I watched, screaming, as the world rolled towards

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<sup>1</sup>A study for the Swiss Centre for Applied Studies in International Negotiations (CASIN) reports that figures range wildly between 8 and 30 million: Karin Simonson, 'The anti-war movement: waging peace on the brink of war', Geneva, March 2003, <http://www.casin.ch/web/pdf/The%20Anti-War%20Movement.pdf>. The 2004 Guinness Book of Records featured the protest in Rome on February 15, 2003 as the record for largest anti-war rally. Phyllis Bennis quotes a figure of 12-14 million on Democracy Now!, On Third Anniversary of Global Protest Against Iraq War, A Look at "Challenging Empire: How People, Governments, and the UN Defy U.S. Power", February 15, 2006, [http://www.democracynow.org/2006/2/15/on\\_third\\_anniversary\\_of\\_global\\_protest](http://www.democracynow.org/2006/2/15/on_third_anniversary_of_global_protest). The BBC estimated 6 - 10 million immediately afterwards: BBC News, 'Millions join global anti-war protests', Monday, 17 February, 2003, <http://news.bbc.co.uk/1/hi/world/europe/2765215.stm>.

<sup>2</sup>Peter Fray et al, 'Millions March for Peace; But US, UK press on with war plan', The Age, Melbourne, February 17, 2003; Angelique Chrisafis et al, 'Millions worldwide rally for peace; Huge turnout at 600 marches from Berlin to Baghdad', The Guardian,

the horror. Bush, Rumsfeld and company banged the drums, invoking falling towers, al Qaeda and making 935 false statements about the national security threat from Iraq;<sup>3</sup> Condoleezza Rice convulsed us with the fear that the smoking gun could be a mushroom cloud,<sup>4</sup> among 47 public pre-war false statements;<sup>5</sup> Colin Powell gave an hilarious performance at the UN — I remember, ever the masochist, listening to it on the radio. From the passenger seat, half a world away, I could drive a truck through his arguments. Surely the world would erupt in laughter? Some did, but not enough. The horror began, with Rumsfeld's own macabre brand of terrorism — literally, explicitly designed to instill terror into the populace — “shock and awe”.

And, as we know now, Rumsfeld had planned to “Go Massive” at least from 2:40 pm on September 11, 2001. So say his notes:<sup>6</sup>

“Go massive... sweep it all up”. Hundreds of thousands of human beings snuffed out — by several independent estimates, over a million.<sup>7</sup>

“Go massive... Get Saddam... not just Bin Laden”. At 2:40 pm with New York still smoldering.

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Monday February 17 2003. . . Estimates of numbers at the Melbourne rally range as high as 220,000: Arun Pradhan, 'Almost 1 million Australians march against war', Green Left Weekly, 19 February 2003, <http://www.greenleft.org.au/2003/526/30904>. See also New York Times, February 15, 2003, Robert D. McFadden, 'From New York to Melbourne, Cries for Peace', also available at <http://www.commondreams.org/headlines03/0215-12.htm>; Democracy Now!, 'The World Says No to War! Rome-2 Million People; London, Madrid, Barcelona-Over 1 Million Each; Berlin and New York City—Half a Million; Melbourne, Sydney and France—Hundreds of Thousands', February 17, 2003, [http://www.democracynow.org/2003/2/17/the\\_world\\_says\\_no\\_to\\_war](http://www.democracynow.org/2003/2/17/the_world_says_no_to_war).

<sup>3</sup>In the two years following September 11, 2001 See the extensive study at 'The War Card: Orchestrated on the Path to War', from the Center for Public Integrity, <http://www.publicintegrity.org/WarCard/>.

<sup>4</sup>Interview with Wolf Blitzer on CNN's Late Edition, September 8, 2002. Transcript available at <http://transcripts.cnn.com/TRANSCRIPTS/0209/08/le.00.html>. “We do know that he is actively pursuing a nuclear weapon. We do know there have been shipments going into . . . Iraq, for instance, of aluminum tubes that really are only suited to high-quality aluminum tools that only really suited for nuclear weapons programs, centrifuge programs... The problem here is that there will always be some uncertainty about how quickly he can acquire nuclear weapons. But we don't want the smoking gun to be a mushroom cloud.”

<sup>5</sup>Figure obtained from searching The War Card's database over the period 9/11/2001 – 3/19/2003 and counting the false statements highlighted there. [http://www.publicintegrity.org/WarCard/Search/Results.aspx?SearchTerms\\_All=&SearchTerms\\_Phase=&SearchTerms\\_Nor](http://www.publicintegrity.org/WarCard/Search/Results.aspx?SearchTerms_All=&SearchTerms_Phase=&SearchTerms_Nor)

<sup>6</sup>From notes taken at the time: see Andrew Cockburn, 'Rumsfeld: His Rise, Fall, and Catastrophic Legacy', Scribner 2007, p. 9, and CBS News, 'Plans for Iraq Attack Began On 9/11', September 4, 2002, <http://www.cbsnews.com/stories/2002/09/04/september11/main520830.shtml>.

<sup>7</sup>A peer-reviewed epidemiological study estimated 654,965 (95% confidence interval 392,979-942,636) excess Iraqi deaths as a consequence of the war, as of July 2006. Gilbert Burnham et al, 'Mortality after the 2003 invasion of Iraq: a cross-sectional cluster sample survey', The Lancet, Published online October 11, 2006, available online at <http://www.thelancet.com/webfiles/images/journals/lancet/s0140673606694919.pdf>. The UK organization Opinion Research Business estimates 1,033,000 deaths between March 2003 and August 2007 (margin of error 946,000 – 1,120,000) See [http://www.opinion.co.uk/Newsroom\\_details.aspx?NewsId=88](http://www.opinion.co.uk/Newsroom_details.aspx?NewsId=88). The US organization Just Foreign Policy provides a rough daily estimate on its website, obtained from extrapolating the Lancet study. As of the time of writing, it stands at 1,213,716: see <http://www.justforeignpolicy.org/iraq/iraqdeaths.html>.

“Go massive”. Over 4 million refugees.<sup>8</sup>

“Go massive”. Massive increases in terrorism, support for terrorism, and animosity towards the United States.<sup>9</sup>

The situation is bleak; and not just for Iraq. The United States military budget has “gone massive” for a long time, now about half of Earth’s military budget, well over \$600 billion a year.<sup>10</sup> Moreover, the Nobel Prize winning economist Joseph Stiglitz and Linda Bilmes estimate that the total cost of the war will be \$3 trillion on conservative estimates.<sup>11</sup> Their estimate now is that the war is costing at least \$800 million per day.<sup>12</sup> The missed opportunities for social uplift, for infrastructure development, health care, education, welfare, are unimaginable.<sup>13</sup> And no mainstream Presidential candidate has a plan for immediate withdrawal, or even complete withdrawal.<sup>14</sup> The State will not give up its power to dominate such a strategically important region of the world without popular pressure.

The catastrophic situation is proving the need for a strong, vibrant and angry anti-war movement; and, conversely, this is an environment in which the peace movement should be flourishing and extending its efforts to stop the war.

That applies, especially, when your school is giving refuge to the perpetrators.

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Starting an unprovoked war against another nation that posed no threat was taken up enthusiastically by much of the establishment and the media in 2003; but it is not such a blithe matter. There is a general prohibition on the use of force in international relations, as a matter of law. There are exceptions for wars waged in self defense or with UN Security Council sanction, as a matter

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<sup>8</sup>In the most recent authoritative report, the UN Refugee Agency UNHCR estimated 4.7 million Iraqis have left their homes, as of September 2007: see <http://www.unhcr.org/iraq.html>.

<sup>9</sup>See the extensive review of sources in Noam Chomsky, ‘Failed States’, Metropolitan Books, 2006, p. 18-24.

<sup>10</sup>The OMB (Office of Management and Budget) budget of February 2008 includes \$518.3 billion for defense for fiscal year 2009, see <http://www.whitehouse.gov/omb/budget/fy2009/defense.html>. But including planned emergency appropriations and work on the nuclear arsenal categorized under the Energy Department, estimates reach over \$680 billion. See, for example, David Stout and Thom Shanker, ‘Next Years War Costs Estimated at \$170 Billion or More’, New York Times, February 6, 2008, [http://www.nytimes.com/2008/02/06/washington/06cnd-military.html?\\_r=1&th&emc=th&oref=slogin](http://www.nytimes.com/2008/02/06/washington/06cnd-military.html?_r=1&th&emc=th&oref=slogin); George C. Wilson, ‘Bush’s military spending binge’, February 11, 2008, <http://www.niemanwatchdog.org/index.cfm?fuseaction=background.view&backgroundid=00229>. For comparisons to the rest of the world, see e.g. the Stockholm International Peace Research Institute Yearbook 2007, which estimates world military expenditure in 2006 to reach \$1204 billion: <http://yearbook2007.sipri.org/chap8/>.

<sup>11</sup>Joseph Stiglitz and Linda Bilmes, ‘The three trillion dollar war: the true cost of the Iraq conflict’, Norton, 2008.

<sup>12</sup>Linda Bilmes, ‘Another year, another \$300 billion’, Boston Globe, March 16, 2008.

<sup>13</sup>See, e.g., the calculations by the American Friends Service Committee at <http://www.afsc.org/cost/facts-and-figures.htm>.

<sup>14</sup>See, e.g., Jeremy Scahill’s comments on Democracy Now!, February 28, 2008, at [http://www.democracynow.org/2008/2/28/jeremy\\_scahill\\_despite\\_anti\\_war\\_rhetoric](http://www.democracynow.org/2008/2/28/jeremy_scahill_despite_anti_war_rhetoric).

of last resort under Chapter VII of the UN Charter — and the UN Charter is incorporated into US law as the “supreme law of the land” under the US Constitution.<sup>15</sup> And this is quite apart from the requirement for congress to declare war under the Constitution.<sup>16</sup> Of course, legality and morality are not the same thing — but the universally accepted rules of international law, as outlined in the UN Charter and other sources, provide an objective external standard. And there is not the slightest shred of doubt that they have been flagrantly violated in the case of Iraq.

The international crime of aggressive war is, in fact, the supreme crime against international law, the same crime for which the Nazis were hanged at Nuremberg. We know Rumsfeld was planning it from at least 2001. Condoleezza Rice played a major part, disseminating distorted intelligence and spreading false paranoia about smoking guns and mushroom clouds. If the principles of the Nuremberg tribunals were applied to ourselves, then these two can certainly count themselves among the principal defendants.

And this is to say nothing of wiretapping, both foreign and domestic, and torture (“enhanced interrogation”), and kidnapping (“extraordinary rendition”) — all of which were approved by Rumsfeld and/or Rice.<sup>17</sup>

As is well known, Donald Rumsfeld was appointed to a one year position as a “distinguished visiting fellow” at the Hoover Institution in September 2007. And Condoleezza Rice has announced her intention to return to Stanford at the conclusion of the present administration.<sup>18</sup>

So, welcome to Nuremberg, California.

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But Nuremberg is not just a place associated with war criminals. It is a place where war criminals were put on trial. Guilt or innocence is determined; if guilty, the sentence must be served; if innocent, the defendant is free to return to their life.

Therefore, as conservatives correctly contend, Rumsfeld should have all the academic freedom he wants (if he is academic at all, a questionable matter) — but with one caveat. Once he is cleared of all charges. So far, despite our best efforts, he has evaded the jurisdiction — even though (so I am told) an office in Hoover tower is assigned to him; and even though his “distinguished visiting fellowship” has almost expired. The ASSU Senate has invited him to explain

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<sup>15</sup>United States Constitution, Article VI.

<sup>16</sup>United States Constitution, Article I, Section 8, and the War Powers Act of 1973.

<sup>17</sup>The Rumsfeld ‘torture memos’ are now legendary. As for Rice’s personal approval, see, e.g., Jan Crawford Greenburg et al, ‘Sources: Top Bush Advisers Approved ‘Enhanced Interrogation’’, ABC News, April 9, 2008, <http://abcnews.go.com/TheLaw/LawPolitics/story?id=4583256>. Rice defended kidnapping, e.g., on December 5, 2005, as reported on the BBC at <http://news.bbc.co.uk/2/hi/americas/4500630.stm>. And wiretapping, e.g., on CNN on December 26, 2005, <http://transcripts.cnn.com/TRANSCRIPTS/0512/26/sitroom.03.html>. Rumsfeld’s involvement in warrantless wiretapping goes back to the 1970s: see e.g. Associated Press, ‘Papers Reveal Similar Wiretap Debate in 1970s’, FOX News, February 3, 2006, <http://www.foxnews.com/story/0,2933,183796,00.html>.

<sup>18</sup>See, e.g., Theo Milonopoulos, ‘Rice plans return to Stanford’, Stanford Daily, May 23, 2008.

himself, but he has not accepted.<sup>19</sup> We are still keeping a lookout.

Condoleezza Rice has a fine academic record and has a tenured position — and one can only lose tenure for serious misconduct, such as ‘moral turpitude’ or, in the words of the Stanford faculty handbook, ‘substantial and manifest incompetence’.<sup>20</sup> The question is, what amounts to sufficient misconduct for a specialist in Russian and European history? Thankfully I know of no charges of plagiarism, poor footnoting in her books, nor any inappropriate conduct with any students. Indeed, nothing so dishonorable.

On the other hand, we may consider far more honorable activities for which she has been rewarded and promoted. These activities include leading the public into an aggressive war on the basis of false information and manipulated intelligence; personally approving torture; perpetrating the supreme violation of international law. But surely such brilliant statecraft could not compare with a failure to check citations?

Sticking to academics, how well did Professor Rice, author or learned studies of Europe and Russia, carry on her best academic standards and critical intellectualism when evaluating intelligence on Iraq, such as the alleged uranium from Niger?<sup>21</sup> When infamously remarking that “smoking gun could be a mushroom cloud”?

The cases against Rumsfeld and Rice are, on their face, to say the least, rather strong. One might even say they have “gone massive”.

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The conclusion appears inescapable that those who led a nation to the supreme crime against humanity operate under the assumption they can safely retire to this campus when they are done destroying lives and nations. The assumption appears to be that they can resume civilian life on the rolling lawns and corridors of Stanford academe; and here, away from all the frenzy of politics and the stench of war, they can safely hide within the tranquility of sandstone buildings and the fragrance of roses in the campus gardens.

Unfortunately, there is no avoiding the war in Nuremberg, California. If their presence is met with silence, even if that presence is only symbolic or intentional, then we acquiesce in what they have done to this nation and to the world.

But if history is anything to go by, Stanford is well prepared for the challenge. This university has a rambunctious history of anti-war activism during the period of the Indochina wars. There is the epic story of the off-ROTC move-

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<sup>19</sup>Patrick Fitzgerald, ‘ASSU Invites Rumsfeld to speak at Farm’, Stanford Daily, February 13, 2008.

<sup>20</sup>Section 4.4.B(1)(a), available online at <http://facultyhandbook.stanford.edu/ch4.html>.

<sup>21</sup>See, e.g., former NSC staffer Roger Morris, ‘Condoleezza Rice at the Center of the Plame Scandal’, Counterpunch, July 27, 2005, <http://www.counterpunch.org/morris07272005.html>: “Rice by commission and omission was integral in perpetrating the original fraud of Niger, and then inevitably in the vengeful betrayal of Plame’s identity. None of that spilling of secrets for crass political retribution could have gone on without her participation, if not as leaker herself, at least with her direction and with her scripting.” See also Gary Leupp, ‘The Niger Uranium Deception and the “Plame Affair”’, Counterpunch, November 9, 2005, <http://www.counterpunch.org/leupp11092005.html>.

ment to demilitarize the campus, and the campaigns against research into ever more efficient technology of death.

What actions will be taken in the tradition of Nuremberg is something that Stanford will have to decide for itself.

Stanford Says No to War, a new student group formed on campus this year, has been searching for the fugitive “Professor” Rumsfeld, and will be on the lookout for Professor Rice in the near future. She was spotted on campus on May 23; several students pointed her out to the authorities, but she got away that time.

Nonetheless, Rice seems intent to turn Stanford into Nuremberg. Those who value the observance of the most fundamental principles of international law and morality may sadly be forced to oblige.

Those who want to know more about Stanford Says No to War can visit the website, [antiwar.stanford.edu](http://antiwar.stanford.edu), or subscribe to the email list

[iraq\\_coalition@lists.stanford.edu](mailto:iraq_coalition@lists.stanford.edu).