

# Chapter Eight

## Popular Struggle

1. For the U.S. Constitution's provision that blacks are three-fifths human, see Article I, Section 2 (emphasis added):

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, *three fifths of all other Persons* [i.e. the slaves].

In 1865, the Thirteenth Amendment outlawed slavery; and in 1868, the Fourteenth Amendment's Section 2 implicitly removed the notion that the former slaves were "three fifths" people, stating:

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed.

2. On free speech cases in the U.S. Supreme Court, see for example, Harry Kalven, *A Worthy Tradition: Freedom of Speech in America*, New York: Harper & Row, 1988. An excerpt (p. xv):

The First Amendment has been part of the Constitution and of American life since 1791. Yet it was only during World War I that the process of defining freedom of speech by means of judicial review really got started. . . . [A]s of the cutoff date of this book, 1974, more than 50 percent of all First Amendment cases had been decided since 1959 -- in other words, more than half were the work of the Warren Court.

3. The Sedition Act, 1 Stat. 596 (1798) [*The Public Statutes at Large of the United States of America, from the Organization of the Government in 1789, to March 3, 1845*, Boston: Little, Brown, 1848, Vol. I, p. 596 (published by Authority of Congress)], provided in part:

That if any person shall write, print, utter, or publish, or shall cause or procure to be written, printed, uttered or published, or shall knowingly assist or aid in writing, printing, uttering or publishing any false, scandalous and malicious writing or writings against the government of the United States, or either house of the Congress of the United States, with intent to defame the said government, or either house of the said Congress, or the said President, or to bring them, or either of them, into contempt or disrepute; or to excite against them or either or any of them, the hatred of the good people of the United States . . . then such person being thereof convicted before any court of the United States having jurisdiction thereof, shall be punished by a fine not exceeding two thousand dollars, and by imprisonment not exceeding two years.

For commentary, see Harry Kalven, *A Worthy Tradition: Freedom of Speech in America*, New York: Harper & Row, 1988. An excerpt (p. 64):

The apparent qualifications on the face of the Act as to falsity and malice were illusory, since . . . under the common law of defamation, if a statement was judged defamatory, malice and falsity were assumed, leaving the burden of proof on the defendant. . . . When Jefferson came to power in 1800 . . . he pardoned the violators still in prison.

On prosecutions under the Sedition Act, see for example, Leonard Levy, *Emergence of a Free Press*, New York: Oxford University Press, 1985. An excerpt (pp. 201-202, 300, 307-308):

[There was an] entire corpus of prosecutions for seditious libel under the Sedition Act of 1798. . . . President Adams willingly signed the Sedition Act and eagerly urged its enforcement, and Cushing, then an associate justice of the Supreme Court of the United States, presided over some of the trials and charged juries on the constitutionality of the statute. . . . [T]he Sedition Act, the capstone of the new Federalist system, expressed the easy rule of thumb offered by the party organ in the nation's capital, "He that is not for us, is against us. . . ." Incapable of distinguishing dissent from disloyalty, the Federalists easily resorted to legal coercion to control public opinion for party purposes. . . .

In a memorandum of 1801 President Jefferson . . . dismiss[ed] the prosecution, initiated under his predecessor, against William Duane, the republican editor of the Philadelphia *Aurora*, who had been indicted under the Sedition Act. . . . Yet the hard fact remains: Jefferson, Madison, Gallatin, Livingston, Nicholas, and Macon explicitly endorsed the power of the states to prosecute seditious and other criminal libels . . . [and] either endorsed the basic concept of . . . the criminal responsibility of the writer or printer for abuse of his rights, or they failed to oppose it.

David Kairys, "Freedom of Speech," in David Kairys, ed., *The Politics of Law: A Progressive Critique*, New York: Pantheon, 1982 (revised and expanded edition 1990), pp. 237-272. An excerpt (p. 242):

The most prominent person prosecuted under the Sedition Act was Matthew Lyon, a member of Congress critical of the Federalists [the governing political party]. Lyon was imprisoned and his house sold to pay his fine (nevertheless he was reelected in the next election). The longest prison term, two years, was served by a laborer for erecting a sign on a post that read, in part, NO STAMP ACT, NO SEDITION . . . DOWNFALL TO THE TYRANTS OF AMERICA, PEACE AND RETIREMENT TO THE PRESIDENT.

4. The Espionage Act, 40 Stat. 219 (1917), as amended 40 Stat. 553 (1918) [*Statutes at Large of the United States of America from April, 1917, to March, 1919*, Washington: U.S. Government Printing Office, 1919, Vol. 40, pp. 217f, 553-554], provided in part:

Whoever, when the United States is at war, shall willfully utter, print, write, or publish any disloyal, profane, scurrilous, or abusive language about the form of government of the United States, or the Constitution of the United States, or the flag of the United States, or bring the uniform of the Army or Navy of the United States into contempt, scorn, contumely, or disrepute, or shall willfully utter, print, write, or publish any language intended to incite, provoke, or encourage resistance to the United States, or to promote the cause of its enemies, or shall willfully display the flag of any foreign enemy, or shall willfully by utterance, writing, printing, publication, or language spoken, urge, incite, or advocate any curtailment of production in this country of any thing or things, product or products, necessary or essential to the prosecution of the war in which the United States may be engaged, with intent by such curtailment to

cripple or hinder the United States in the prosecution of the war, and whoever shall willfully advocate, teach, defend, or suggest the doing of any of the acts or things in this section enumerated, and whoever shall by word or act support or favor the cause of any country with which the United States is at war or by word or act oppose the cause of the United States therein, shall be punished by a fine of not more than \$10,000 or imprisonment for not more than twenty years, or both.

Eugene Debs's conviction and ten-year prison sentence for having "caused and incited and attempted to cause and incite insubordination, disloyalty, mutiny and refusal of duty in the military and naval forces of the United States and with intent so to do delivered, to an assembly of people, a public speech," was upheld by the Supreme Court. See *Debs v. United States*, 249 U.S. 211 (1919). Justice Oliver Wendell Holmes's opinion, rejecting the idea that the First Amendment protected Debs's speech, summarized the facts of the case:

The speaker began by saying that he had just returned from a visit to the workhouse in the neighborhood where three of their most loyal comrades were paying the penalty for their devotion to the working class -- these being Wagenknecht, Baker and Ruthenberg, who had been convicted of aiding and abetting another in failing to register for the draft. . . . He said that he had to be prudent and might not be able to say all that he thought, thus intimating to his hearers that they might infer that he meant more, but he did say that those persons were paying the penalty for standing erect and for seeking to pave the way to better conditions for all mankind. Later he added further eulogies and said that he was proud of them. He then expressed opposition to Prussian militarism in a way that naturally might have been thought to be intended to include the mode of proceeding in the United States. . . .

The defendant spoke of other cases, and then, after dealing with Russia, said that the master class has always declared the war and the subject class has always fought the battles -- that the subject class has had nothing to gain and all to lose, including their lives; that the working class, who furnish the corpses, have never yet had a voice in declaring war and never yet had a voice in declaring peace. "You have your lives to lose; you certainly ought to have the right to declare war if you consider a war necessary. . . ." The rest of the discourse . . . [involved] the usual contrasts between capitalists and laboring men, sneers at the advice to cultivate war gardens, attribution to plutocrats of the high price of coal, &c., with the implication running through it all that the working men are not concerned in the war, and a final exhortation, "Don't worry about the charge of treason to your masters; but be concerned about the treason that involves yourselves."

For the *New York Times's* attitude towards Debs's right to free speech twenty years earlier, see Editorial, *New York Times*, July 9, 1894, p. 4. An excerpt:

[Debs] is a lawbreaker at large, an enemy of the human race. There has been quite enough talk about warrants against him and about arresting him. It is time to cease mouthings and begin. Debs should be jailed, if there are jails in his neighborhood, and the disorder his bad teaching has engendered must be squelched. Gen. Miles evidently intends to squelch it. It may be a rude business, but it is well to remember that no friends of the Government of the United States are ever killed by its soldiers -- only its enemies.

5. The Smith (or "Alien Registration") Act, 54 Stat. 671, 18 U.S.C. §2385 (1940) [*United States Statutes at Large, 1939-1941*, Washington: U.S. Government Printing Office, 1941, Vol. 54, pp. 670-676], provided in part:

It shall be unlawful for any person . . . to knowingly or willfully advocate, abet, advise, or teach the duty, necessity, desirability, or propriety of overthrowing or destroying any government in the United States by force or violence, or by the assassination of any officer of any such government . . . [or] to organize or help to organize any society, group, or assembly of persons who teach, advocate, or encourage the overthrow or destruction of any government in the United States by force or violence; or to be or become a member of, or affiliate with, any such society, group, or assembly of persons, knowing the purposes thereof.

The legal scholar Harry Kalven stresses the conduct for which Smith Act criminal convictions were upheld (*A Worthy Tradition: Freedom of Speech in America*, New York: Harper & Row, 1988, p. 191):

The exact charge is not advocating overthrow. Nor is it conspiring to overthrow, no doubt the Government's real grievance. Rather it is *conspiring to advocate overthrow* and *conspiring to organize a group to advocate overthrow*.

For examples of Smith Act prosecutions, see footnote 6 of this chapter.

6. For some significant Supreme Court rulings upholding sedition prosecutions under the U.S. Constitution's First Amendment, see for example, *Dennis v. United States*, 341 U.S. 494 (1951)(approving the constitutionality of the Smith Act in an appeal by eleven American Communist Party leaders convicted of "advocacy" and "organizing," because there was a "clear and present danger" that their revolutionary Marxist teachings would succeed in the United States; a dissenting opinion points out that the conduct underlying these convictions was "organiz[ing] people to teach and themselves teach[ing] the Marxist-Leninist doctrine contained chiefly in four books" which remained in full and free circulation); *Scales v. United States*, 367 U.S. 203 (1961)(upholding a Smith Act conviction for "membership" in a group whose teachings advocated violent overthrow, i.e. the Communist Party); *Frohwerk v. United States*, 249 U.S. 204 (1919)(upholding a conviction for conspiracy to obstruct military recruiting with a ten-year prison sentence, solely for publishing a newspaper that suggested that the war was wrong, that it was being fought "to protect the loans of Wall Street," and which depicted the sufferings of a drafted man in a way "made as moving as the writer was able to make it").

For an early case delineating the scope of Constitutional free speech protections, see *Davis v. Massachusetts*, 167 U.S. 43 (1897). This case accepted as consistent with the Constitution the arrest and punishment of Reverend William F. Davis, an evangelist and opponent of slavery and racism, for preaching the Gospel on the Boston Common, a public park. The decision quotes Oliver Wendell Holmes's opinion for the Supreme Court of Massachusetts, which also upheld the conviction, analogizing as follows: "For the Legislature absolutely or conditionally to forbid public speaking in a highway or public park is no more an infringement of the rights of a member of the public than for the owner of a private house to forbid it in his house."

For commentary on the history of sedition prosecutions in the U.S., see David Kairys, "Freedom of Speech," in David Kairys, ed., *The Politics of Law: A Progressive Critique*, New York: Pantheon, 1982 (revised and expanded edition 1990). An excerpt (pp. 250-251):

[Although there were] over two thousand prosecutions . . . [n]one of the Espionage Act convictions was reversed by the Supreme Court on First Amendment grounds. . . . [As Harvard law professor Zechariah Chafee concluded after a detailed examination

of these prosecutions,] "the courts treated opinions as statements of fact and then condemned them as false because they differed from the President's speech or the resolution of Congress declaring war. . . . [I]t became criminal to advocate heavier taxation instead of bond issues, to state that conscription was unconstitutional . . . to urge that a referendum should have preceded our declaration of war, to say that war was contrary to the teachings of Christianity. Men have been punished for criticizing the Red Cross and the Y.M.C.A."

For more on the suppression of dissent in the U.S. generally, see for example, Murray B. Levin, *Political Hysteria in America: the Democratic Capacity for Repression*, New York: Basic Books, 1971, ch. 2 (on the Red Scare of 1919); Robert Murray, *Red Scare: A Study of National Hysteria, 1919-1920*, Minneapolis: University of Minnesota Press, 1955; William Preston, *Aliens and Dissenters: Federal Suppression of Radicals, 1903-1933*, Cambridge: Harvard University Press, 1963 (second edition 1994); Robert J. Goldstein, *Political Repression in Modern America: From 1870 to the Present*, Cambridge: Schenkman, 1978 (tracing U.S. government repression of dissent from the post-Civil War labor movement through the Black Panthers and anti-Vietnam War movement); David Brion Davis, ed., *The Fear of Conspiracy: Images of Un-American Subversion From the Revolution to the Present*, Ithaca: Cornell University Press, 1971 (reviewing a vast literature of alarmism in the U.S., starting in the days of George Washington); James Aronson, *The Press and the Cold War*, New York: Monthly Review, 1970; Harold L. Nelson, ed., *Freedom of the Press from Hamilton to the Warren Court*, Indianapolis: Bobbs-Merrill, 1967, especially "Introduction" (giving an overview and chronology of the topic) and pp. 253-263 (on repression during World War I, noting that U.S. Postmaster Burleson barred a pamphlet on the suffering under British Rule in India, and removed from a Catholic journal a statement by the Pope in which he said that "no man can be loyal to his country unless he first be loyal to his conscience and his God"); Howard Zinn, *A People's History of the United States: 1492-Present*, New York: HarperCollins, 1980 (revised and updated edition 1995) (in general, an extremely important book).

7. For the Schenck case, see *Schenck v. United States*, 249 U.S. 47 (1919). Schenck was the secretary of the Socialist Party, in charge of the headquarters from which the leaflets were sent. He did not write the leaflet, he merely arranged to have fifteen thousand copies printed and mailed. Harry Kalven points out (*A Worthy Tradition*, New York: Harper & Row, 1988, p. 131):

[T]he *Schenck* leaflet is startlingly mild. One side simply presented an argument that conscription violated the involuntary servitude prohibition of the Thirteenth Amendment. It contained references to "venal capitalist newspapers," "gang politicians," and "monstrous wrongs against humanity." The action words were: ". . . join the Socialist Party in its campaign for the repeal of the Conscription Act. Write to your congressman. . . . You have a right to demand the repeal of any law. Exercise your rights of free speech, peaceful assemblage and petitioning the government for a redress of grievances . . . sign a petition to congress for a repeal of the Conscription Act. Help us wipe out this stain upon the Constitution!" [The] . . . most strongly worded sentence [of the other side of the leaflet was:] "Will you let cunning politicians and a mercenary capitalist press wrongly and untruthfully mould your thoughts? . . . Do not forget your right to elect officials who are opposed to conscription."

For another so-called "victory" for freedom of speech, see *Near v. Minnesota*, 283 U.S. 697, 713-714 (1931)(holding that the First Amendment bars *prior restraint* of speech

or publication, but not punishment afterwards if the thoughts are then held to be unacceptable).

8. For the case striking down seditious libel laws in the U.S., see *New York Times v. Sullivan*, 376 U.S. 254, 273, 276 (1964). Justice Brennan's words:

Authoritative interpretations of the First Amendment's guarantees have consistently refused to recognize an exception for any test of truth. . . . [Injury] to official reputation affords no more warrant for repressing speech that would otherwise be free than does factual error. . . . If neither factual error nor defamatory content suffices to remove the constitutional shield from criticism of official conduct, the combination of the two elements is no less inadequate. This is the lesson to be drawn from the great controversy over the Sedition Act of 1798 . . . which first crystallized a national awareness of the central meaning of the First Amendment. . . . Although the Sedition Act was never tested in this Court, the attack upon its validity has carried the day in the court of history. . . . These views [i.e. of men from Thomas Jefferson to Harvard Professor Zechariah Chafee] reflect a broad consensus that the Act, because of the restraint it imposed upon criticism of government and public officials, was inconsistent with the First Amendment.

9. For Kalven's book, see Harry Kalven, *A Worthy Tradition: Freedom of Speech in America*, New York: Harper & Row, 1988. His exact words (p. 63):

In my view, the presence or absence in the law of the concept of seditious libel defines the society. A society may or may not treat obscenity or contempt by publication [i.e. commenting on or disclosing evidence from pending court cases, another category of speech that can be constrained by the government,] as legal offenses without altering its basic nature. If, however, it makes seditious libel an offense, it is not a free society, no matter what its other characteristics.

10. For the case employing the "incitement to a criminal act" standard, see *Brandenburg v. Ohio*, 395 U.S. 444 (1969). Note that the "clear and present danger" test actually is not mentioned in the majority's opinion. Concurring opinions by Justices Black and Douglas called for its abandonment -- but the majority simply applied the stricter "inciting or producing imminent lawless action and . . . likely to incite or produce such action" standard.

Chomsky remarks (*Deterring Democracy*, New York: Hill and Wang, 1991, p. 400):

It is also worth recalling that victories for freedom of speech are often won in defense of the most depraved and horrendous views. Th[is] Supreme Court decision was in defense of the Ku Klux Klan from prosecution after a meeting with hooded figures, guns, and a burning cross, calling for "burying the nigger" and "sending the Jews back to Israel." With regard to freedom of expression there are basically two positions: you defend it vigorously for views you hate, or you reject it in favor of Stalinist/Fascist standards.

11. On the Zundel case and Canada's "False News" and "Anti-Hate" laws, see for example, Douglas Martin, "Canadian Wins Appeal on Anti-Jewish Book," *New York Times*, March 27, 1985, p. A14. An excerpt:

A Toronto publisher, Ernst Zundel, was convicted last month of maliciously spreading false news, specifically that the Holocaust did not happen. On Monday, he was sentenced to 15 months in prison and 3 months' probation. . . . Jewish groups in

Toronto said that they had begun compiling petitions to deport Mr. Zundel. . . . Earlier, leading members of the opposition Liberal Party had urged his deportation. . . . [The] False News Law . . . is aimed at anything printed that harms the community, not specifically hate literature.

This article also notes that Mr. James Keegstra of Alberta was prosecuted under Canada's "Anti-Hate" law, and that a Canadian appellate court ultimately decided that Keegstra would be allowed to "keep a book that had been confiscated on the ground that it was anti-Semitic."

See also, Douglas Martin, "Anti-Semite Is On Trial, But Did Ontario Blunder?," *New York Times*, February 15, 1985, p. A2. An excerpt:

A native of Germany who has lived in Canada for 28 years, Mr. Zundel [author of "The Hitler We Loved and Why"] is accused of knowingly publishing two pieces of false news detrimental to the public interest, specifically news likely to incite intolerance. . . . [T]he issue in this case is whether the views Mr. Zundel expressed about the mass killing of Jews are false under Canada's law against false news. As a result, their merits must be thoroughly discussed. . . .

Similar issues were raised in the 1981 conviction in France of Robert Faurisson, a French historian who called the mass killing [in the Holocaust] "a giant historical lie. . . ." He was convicted of libel, racial defamation and of not upholding his responsibility as a historian.

In 1992, the Canadian Supreme Court overturned Zundel's conviction by a 5-4 vote on the ground that the "false news" law conflicted with the Canadian Charter of Rights and Freedoms. A few years later, however, Canadian prosecutors still were attempting to punish Zundel and others for their speech. See for example, "Anti-Semitic Site Tests Canada Law," *International Herald Tribune*, August 3, 1998, Finance section, p. 11. An excerpt:

Just days after a pro-Nazi trilogy of novels called "Lebensraum!" was published in the United States last April, Canadian customs agents confiscated a shipment of the books at the border, contending that they promote hatred against Jews and violate Canada's anti-hate laws. . . . Canadian customs agents regularly seize books, magazines and compact disks that violate standards of decency or promote hate. Now, for the first time, there is a serious attempt to address the issue of the same kind of material on the Internet. The Canadian Human Rights Commission has charged Mr. Zundel with spreading hate propaganda and is intent on shutting down [a web site run by a Californian but called] "Zundelsite." The commission contends that although the site is run from California, Mr. Zundel controls its content and thus can be prosecuted under Canadian laws.

12. For the editorial supporting the Zundel verdict, see Editorial, "The Big Lie of the Neo-Nazis," *Boston Globe*, March 2, 1985, p. 14.

13. On the British police raid on the B.B.C. and freedom of speech in England, see for example, Geoffery Robertson, *Freedom, The Individual and The Law*, London: Penguin, Seventh Edition, 1993 (a "guide to citizens' rights" and an "up-to-the-minute account of civil liberties -- and the lack of them -- in Britain"). An excerpt (pp. 165-166, 275):

The Official Secrets Act offers remarkably extensive powers of search and seizure which sidestep some of the safeguards in P.A.C.E. [the Police And Criminal Evidence Act]. This came dramatically to public attention in 1987, when Special

Branch officers raided the B.B.C. offices in Glasgow and seized all master tapes of Duncan Campbell's *Secret Society* series, raided the homes of three *New Statesmen* journalists and spent over four days examining files in the offices of that magazine. . . . The whole episode related to Duncan Campbell's exposure of "Project Zircon," a £5-million spy satellite being planned by the MoD [Ministry of Defence] to put Britain in the business of eavesdropping from space. . . . The Government's case for suppression was undermined both by the fact that the project seemed to be common knowledge amongst defence contractors and by the impossibility of keeping the satellite a secret from the Russians once it was launched. . . .

The Home Secretary's power to ban broadcasts . . . was invoked in 1988 for the purpose of direct political censorship when the B.B.C. and the I.B.A. were ordered not to transmit any interviews with representatives of Sinn Fein, the Ulster Defence Association, or the I.R.A., or any statement which incited support for such groups. . . . The ban is a serious infringement on the right to receive and impart information: it prevents representatives of lawful political parties (Sinn Fein has an M.P. and sixty local councillors) from stating their case on matters which have no connection with terrorism, and it denies to the public the opportunity to see and hear those who support violent action being questioned and exposed. . . . The ban prevents the re-screening of such excellent programmes as Robert Kee's *Ireland: a Television History* or Thames Television's *The Troubles*, which contain interviews with I.R.A. veterans.

See also, "Bid to Prosecute Rushdie Is Rejected," *New York Times*, April 10, 1990, p. C16. An excerpt:

England's High Court today rejected a Muslim group's request to prosecute Salman Rushdie and the publishers of his novel "The Satanic Verses" on charges of blasphemy and seditious libel. . . . [The court upheld a ruling] that England's blasphemy law applied only to Christianity, not to other religions, including Islam. . . . The judges agreed . . . that for seditious libel to be proven, the evidence must show -- "and it did not" -- that an attack was made "against Her Majesty or Her Majesty's Government or some other institution of the state. . . ."

The last prosecution for blasphemy [in England] was in 1979, when the magazine *Gay News* was convicted under the law of publishing a poem that depicted Jesus as a homosexual.

14. Chomsky recounts some examples of official censorship in France and Spain (*Necessary Illusions: Thought Control in Democratic Societies*, Boston: South End, 1989, p. 344):

In 1988 . . . the government of France, under no threat, "prohibited the sale, circulation and distribution" of a Basque book on grounds that it "threatened public order," and banned publication of the journal *El-Badil Démocratique* that supports Algerian dissidents on grounds that "this publication might harm the diplomatic relations of France with Algeria." The director of the Basque journal *Abil* was sentenced to twenty months in prison by the French courts for having published an "apology for terrorism," while the Spanish courts fined a Basque radio station for having broadcast insults to the King on a call-in radio show and the government brought three activists of a political group to trial on charges of "publication, circulation and reproduction of false information that might disturb public order," among many other cases of punishment of public statements and cancellation of peaceful demonstrations [see *El Pais* (Madrid), May 3, 1988; *Egin* (San Sebastian), June 28, August 2, June 22, July 24, 28, 1988].

15. On domestic violence after the Superbowl, see for example, Bob Hohler, "Super Bowl gaffe: Groups back off on violence claims," *Boston Globe*, February 2, 1993, p. 1 (while the claim that Superbowl Sunday is the single worst day of the year for domestic abuse cannot be substantiated, certain cities reported a notable increase of domestic violence on that day; advocates for battered women maintain that "the increase in domestic violence on Super Bowl Sunday is similar to other key days of the year, like Christmas and Thanksgiving," but the previously-voiced speculation that it increases by 40 percent on that day is not supported).

16. On the privatization of radio in the United States, see for example, Robert W. McChesney, *Telecommunications, Mass Media & Democracy: The Battle for the Control of U.S. Broadcasting, 1928-1935*, Oxford, U.K.: Oxford University Press, 1993; Robert W. McChesney, *Rich Media, Poor Democracy: Communication Politics in Dubious Times*, Urbana: University of Illinois Press, 1999, chs. 4 and 5; Robert W. McChesney, "Conflict, Not Consensus: The Debate over Broadcast Communication Policy, 1930-1935," in William Solomon and Robert McChesney, eds., *Ruthless Criticism: New Perspectives in U.S. Communication History*, Minneapolis: University of Minnesota Press, 1993, ch. 10 (on the unsuccessful broadcast reform movement that arose in the U.S. in the 1930s).

17. On the privatization of television in the United States, see for example, Robert W. McChesney, *Rich Media, Poor Democracy: Communication Politics in Dubious Times*, Urbana: University of Illinois Press, 1999, p. 126; Robert W. McChesney, *Telecommunications, Mass Media & Democracy: The Battle for the Control of U.S. Broadcasting, 1928-1935*, Oxford: Oxford University Press, 1993, p. 250.

18. The N.A.F.T.A. that was enacted substantially increases the mobility of North American investors, and reduces the capacity of governments to regulate business effectively. It does this in three main ways:

(1) By improving the "security" of investments in Mexico against "loss of value" due to regulation or competition from government monopolies or enterprises. This is done in part by reducing trade barriers and extending legal protections for "investor property" and "intellectual property" rights. These protections increase the mobility of transnational corporate investment and exert new pressures on Canadian and American governments -- particularly strong at the state and local level -- to reduce regulatory standards and reduce corporate taxes so as to maintain a "competitive" environment for corporate capital investment.

(2) It imposes new legal restrictions on regulation of corporations, in part through unsustainable "compensation" burdens that must be paid by governments (i.e. the government must "compensate" companies when regulations harm corporate profits). This has an especially significant impact on labor and environmental standards enacted at all levels of government in the three countries, which like other forms of regulation under N.A.F.T.A. are subjected to the strictest degree of legal scrutiny or else held invalid. Thus, all other policy objectives are subordinated to the objective of increasing the free movement of goods, services and investment across borders.

And (3) the treaty increases the domestic political power of foreign corporations by creating new common ground between their interests and those of domestic businesses, because any effort to regulate foreign investors also applies to domestic investors under

the "National Treatment" principle. Consequently, these regulatory efforts will be resisted by the political power of both domestic and foreign businesses (which in effect includes *all* transnational corporations, since rights under the treaty apply to any company incorporated in a N.A.F.T.A. country, regardless of its country of origin). Furthermore, government regulations can be contested easily and inexpensively by individual investors, who under N.A.F.T.A. may launch their own challenges without securing the assistance of their national government, in either an international tribunal with binding arbitration powers or in the domestic courts.

The side deals on minimal labor and environmental standards, appended to the N.A.F.T.A. to secure its passage in the face of significant popular opposition, were weak and possibly even counterproductive. See for example, Ian Robinson, *North American Trade As If Democracy Mattered: What's Wrong with N.A.F.T.A. and What Are the Alternatives?*, Ottawa: Canadian Centre for Policy Alternatives/ Washington: International Labor Rights Education and Research Fund, 1993, pp. 37-47. This careful study concludes (pp. 44, 47):

[T]he side deals actually represent a step backwards. . . . Notwithstanding the important symbolic gain that the side deals represent, they are far too weak to offset the negative impacts that the N.A.F.T.A. will have. Even considered on their own, they weaken rather than supplementing and strengthening domestic trade law provisions protecting international worker rights and labour standards, resulting in a net loss in the economic leverage that can be exercised in their defence. Consequently, the N.A.F.T.A., with or without the side deals that have just been completed, will carry North America further down the undesirable road it traveled in the 1980s, and at an accelerating pace. In effect, it will push the pedal to the floor. In the process, the N.A.F.T.A. package will further dim economic development and democratic prospects in all three countries.

For a revealing case that illustrates the effects that N.A.F.T.A. can have on environmental and other laws, see Laura Eggertson, "Ethyl sues Ottawa over M.M.T. law," *Globe and Mail* (Toronto), April 15, 1997, p. B4. An excerpt:

The U.S. manufacturer of a gasoline additive is seeking nearly \$350-million in damages from Ottawa, the first time Canadian taxpayers could feel the effect of a provision in the North American free-trade deal that gives corporations the right to sue governments for breaking promises. Ethyl Corp. based in Richmond, Va., filed a claim with the Justice Department yesterday that accuses the [Canadian] federal government of breaching its obligations under N.A.F.T.A. by passing Bill C-29. The bill, which the [Canadian] Senate passed last week, bans the importation and trade among provinces of M.M.T. The fuel additive was designed to boost octane in gasoline. But the federal government says M.M.T. could cause health ailments. . . . Two other cases have been filed against the Mexican government by the U.S. waste management industry. . . .

"It could be a major headache," Mr. Dattu [a trade lawyer with McCarthy Tetrault] said in a telephone interview from Toronto. "There is a potential for abuses of these provisions. You could certainly see an aspect to them that could verge on harassment." The harassment potential increases because companies no longer have to persuade governments to argue a case on their behalf, as they did under the Canada-U.S. free-trade deal. For instance, Ethyl Corp. does not have to convince the U.S. Trade Representative's office to challenge the import ban on M.M.T. Canada is one of the few countries that still use the additive. . . . Ethyl, the lone North

American manufacturer of M.M.T., claims the government's ban amounts to expropriation without compensation for Ethyl Canada.

John Urquhart, "Canada Removes Its Ban on Ethyl Corp.'s Additive," *Wall Street Journal*, July 21, 1998, p. A2. An excerpt:

The Canadian government, faced with the prospect of losing a costly trade fight, decided to lift its ban against a manganese-based gasoline additive produced by Ethyl Corp., Richmond, Va. . . . The auto industry, which campaigned for the M.M.T. ban, said the additive hampers electronic systems in automobiles that monitor tailpipe emissions, thereby potentially contributing to air pollution. Ethyl welcomed the government's decision to lift the restrictions against M.M.T. and said it will terminate legal actions against Canada.

See also, Joel Millman, "Metalclad Is First to Sue Mexico Under Nafta," *Wall Street Journal*, October 14, 1997, p. A2. An excerpt:

Metalclad Corp., a hazardous-waste management firm, has become the first U.S. company to sue the Mexican government under the protection of foreign-investment provisions outlined by the 1993 North American Free Trade Agreement. Metalclad, of Newport Beach, Calif., is asking for \$90 million in damages for what it says were actions taken by Mexican officials that prevented the opening of a hazardous-waste landfill site the company built in 1995 in the state of San Luis Potosi. . . . According to Metalclad's complaint, [the governor] Mr. Sanchez effectively expropriated the site when he declared it part of a 600,000-acre ecological zone.

Scott Morrison and Edward Alden, "Ottawa faces claim over P.C.B. waste ban," *Financial Times* (London), September 2, 1998, p. 4. An excerpt:

A U.S. company specializing in the clean-up of hazardous wastes is seeking C\$10m (U.S.\$6.3m) in compensation from the Canadian government over Ottawa's ban on the export of polychlorinated biphenyls (P.C.B.) waste. The claim, filed under the investor-state arbitration provisions of the North American Free Trade Agreement (Nafta), charges that Canada's 1995 ban amounted to an expropriation of the business of S.D. Myers, an Ohio-based company. The case is the second in as many months to raise fears that Canada's ability to uphold its environmental laws has been curtailed by Nafta's investment protection provision.

Nafta allows a foreign corporation to request compensation through binding arbitration if a government directly or indirectly expropriates that company's investment in that country. . . . S.D. Myers alleges that a 1995 ban on exports of P.C.B.s, a highly toxic coolant used in electricity transformers, prohibited it from conducting business in Canada and benefited its Canadian competitors.

In both the Metalclad and S.D. Myers cases, the N.A.F.T.A. tribunal ruled for the corporations. See "N.A.F.T.A. Panel Sides With Metalclad On Claim," *Los Angeles Times*, August 31, 2000, p. C3; "S.D. Myers wins N.A.F.T.A. Claim against Canada," *Canada NewsWire*, November 13, 2000 (available on Nexis database).

19. For the Office of Technology Assessment's report, see U.S. Congress, Office of Technology Assessment, *U.S.-Mexico Trade: Pulling Together or Pulling Apart?*, I.T.E.-545, Washington: U.S. Government Printing Office, October 1992.

20. For denunciations of the labor movement's supposed position, see for example, Anthony Lewis, "If Nafta Loses," *New York Times*, November 5, 1993, p. A35. An excerpt:

The arguments made against Nafta by such significant opponents as the United Auto Workers seem to me to come down to fear of change and fear of foreigners. . . . Unions in this country, sad to say, are looking more and more like the British unions that have become such a millstone around the neck of the Labor Party: backward, unenlightened. . . . The crude threatening tactics used by unions to make Democratic members of the House vote against Nafta underline the point.

Bob Davis and Jackie Calmes, "Drawing Back: Nafta's Odds Improve, But U.S. May Reduce Its Trade Leadership," *Wall Street Journal*, November 17, 1993, p. A1. An excerpt:

The coalition [of N.A.F.T.A. opponents] ties together labor unions, upscale environmentalists, suburban Perot supporters and thousands of local activists nationwide, all convinced that trade is a sucker's game played for the benefit of multinational corporations. Their rhetoric is pure down-with-the-rich populism. . . .

The conspiratorial, antielitist arguments made by Nafta foes may resonate even more loudly with G.A.T.T. [the General Agreement on Tariffs and Trade] -- an obscure but powerful trade organization tucked away in Switzerland and run by bureaucrats unknown in the U.S. G.A.T.T. arbitration panels meet in secret, don't make their findings public and deem U.S. environmental laws improper if they block trade. And the G.A.T.T. deal now being negotiated . . . proposes to increase the G.A.T.T. bureaucracy's power, and decrease U.S. authority to use trade sanctions to protect the environment or the domestic economy.

See also, John Aloysius Farrell, "Clinton rips labor on N.A.F.T.A.; Points to 'pressure' in tactics," *Boston Globe*, November 8, 1993, p. 1. An excerpt:

President Clinton said yesterday that the "roughshod, muscle-bound tactics" of organized labor have proved to be the greatest obstacle in winning congressional approval of the North American Free Trade Agreement. . . .

Members of Congress are complaining to him that the business community is not working hard enough for N.A.F.T.A., while union representatives are "pleading . . . based on friendship, or threatening . . . based on money and work in the campaign," Clinton said. . . . But "at least for the undecided Democrats, our big problem is the raw muscle, the sort of naked pressure that the labor forces have put on," said Clinton.

Editorial, "Running Scared From N.A.F.T.A.," *New York Times*, November 16, 1993, p. A26. An excerpt:

Local Democrats fear the wrath of organized labor. And well they should. As the accompanying table shows, labor political action committees contribute handsomely to their election campaigns. Though it's impossible to say just how much the P.A.C. money explains opposition to Nafta, there's an unsettling pattern.

Note that this lead *New York Times* editorial, the day before the N.A.F.T.A. vote, was not accompanied by any table listing corporate contributions.

After much wailing about the terrifying power of labor, the day *after* the N.A.F.T.A. vote the *Times* ran a front-page story which revealed the truth: that corporate lobbying utterly overwhelmed the pathetic efforts of the labor movement. The article even spoke the usually forbidden words "class lines." See Michael Wines, "After Marathon of a Debate, A 6-Minute Dash to Settle It," *New York Times*, November 18, 1993, p. A1. An excerpt:

President Clinton and his Congressional supporters played the Oscar-quality underdog during the week leading up to tonight's vote on the North American Free

Trade Agreement. But anyone who looked inside the offices of the lobbyists for and against the accord walked away with a different view of the fight.

The lobbyists supporting the agreement -- Chamber of Commerce types, accountants, trade consultants -- occupied a stately conference room on the first floor of the Capitol, barely an elevator ride away from the action in the House chamber. Murals plastered the ceilings outside. Weighty quotations ("We Defend and We Build a Way of Life Not for America Alone, but for All Mankind") were inscribed above every door. A television was installed. Cellular telephones were everywhere -- not clunky low-rent models, but the teeny ones that fold to the size of lemons. . . .

The boiler room for the forces opposed to the pact, by contrast, was more of, well, a boiler room. Set in the spectacularly ugly Rayburn House Office Building, in a barren hearing room of the Education and Labor Committee, it was two elevators, a subway and a long walk from the House debate. The dress was union-label, inexpensive suits and nylon jackets inscribed with numbers and insignias of various locals. There was a telephone, decidedly not portable, and basic black. . . . The fight over the trade accord was a nastier and more divisive battle, a class-lines split that cleaved both parties and left everyone feeling sullen.

On the media's coverage in general before N.A.F.T.A. was passed, see for example, Fairness and Accuracy in Reporting, "Happily Ever N.A.F.T.A.?", *Extra! Update*, October 1993, p. 1 (a comprehensive survey of coverage of N.A.F.T.A. in the *New York Times* and *Washington Post* from April through July 1993 found that of 201 sources quoted by name, only 6 -- 3 percent -- represented the environmental movement, and "[n]o representative of a labor union was quoted during the four-month period." "In all, 68 percent of quoted sources had pro-N.A.F.T.A. positions, with 66 percent in the *Times* and 71 percent in the *Post* in favor. Only 20 percent of the two papers' sources were opposed to N.A.F.T.A. -- 24 percent in the *Times*, 17 percent in the *Post*. In other words, almost three times as many sources were defenders of N.A.F.T.A. as critics in the *New York Times*; in the *Post*, the ratio was more than four to one").

On the U.S. public's attitude towards N.A.F.T.A., see for example, Gwen Ifill, "The Free Trade Accord: The Mood; Americans Split on Free Trade Pact," *New York Times*, November 16, 1993, p. A1 (reporting a *New York Times*/C.B.S. poll the week of the N.A.F.T.A. vote which, despite the massive media barrage in favor of the trade pact, revealed that the public still opposed it by 41 percent to 37 percent, with a 3 percent margin of sampling error).

For some of the ignored "constructive" proposals about N.A.F.T.A., see American Federation of Labor & Congress of Industrial Organizations, *International Trade: Where We Stand*, Washington: A.F.L.-C.I.O., 1992; J. Faux and W. Spriggs, *U.S. Jobs and the Mexico Trade Proposal*, Washington: Economic Policy Institute, 1992; G.C. Hufbauer and J. Schott, *North American Free Trade: Issues and Recommendations*, Washington: Institute of International Economics, 1992; Ian Robinson, *North American Trade As If Democracy Mattered: What's Wrong with N.A.F.T.A. and What Are the Alternatives?*, Ottawa: Canadian Centre for Policy Alternatives/ Washington: International Labor Rights Education and Research Fund, 1993, pp. 29-36; Kristin Dawkins, *N.A.F.T.A.: The New Rules of Corporate Conquest*, Westfield, NJ: Open Magazine Pamphlet Series, 1993. See also footnote 22 of this chapter.

21. For the Trade Act, see 19 U.S.C.A. §2155 [original: P.L. 93-618, 88 Stat. 1978 (1974)].

22. For the Labor Advisory Committee's report, see Labor Advisory Committee for Trade Negotiations and Trade Policy, *Preliminary Report of the Labor Advisory Committee For Trade Negotiations and Trade Policy on The North American Free Trade Agreement, Submitted to the President Of The United States, The United States Trade Representative, and The Congress Of The United States*, September 16, 1992. An excerpt (pp. 1-3):

Section 135 of the Omnibus Trade and Competitiveness Act of 1988 requires that the [Labor Advisory] Committee's report shall be provided " . . .not later than the date on which the President notifies the Congress under Section 1103(1)(1)(A) of such act of 1988 of his intention to enter into that agreement." The President's cynical rush to conclude negotiations and to then notify Congress of his intent to enter into an agreement with Mexico and Canada has rendered this requirement meaningless. While the agreement was announced on August 12, 1992, copies of a complete draft were not made available to the L.A.C. Even the chapters that were provided remained classified, contained numerous bracketed sections, were not released to the general public, and were not distributed to the full membership of the Committee. It is clear that negotiations continued for weeks after the announcement of a "completed" agreement. It was not until September 8, 1992, that all the chapters were made available to some advisors. Nevertheless, U.S.T.R. [the United States Trade Representative] informed the Committee that its report should be submitted by September 9, 1992, giving the L.A.C. insufficient time to review, analyze and prepare a report on a trade agreement that took 14 months to negotiate. Obviously, such a deadline made it impossible for the Committee to carefully examine the entire agreement. Indeed, with such short notice, the L.A.C. could not formally meet -- as directed by law -- to discuss the agreement and fulfill the requirements of the Federal Advisory Committee Act, which mandates advance public notice of Committee meetings.

These circumstances were anticipated by the L.A.C. in a June 18, 1992, letter to Ambassador Hills [the Trade Representative], which stated: "Given the acceleration of negotiations, and the possibility of reaching an agreement in the near future, the L.A.C. is concerned that there will be insufficient time to review and analyze a completed text and submit a report to the Congress. . . . The L.A.C. takes its responsibility to advise the Executive Branch and the Congress on trade agreements seriously. In the case of N.A.F.T.A., notice of just a few weeks would not permit the Committee to effectively carry out that responsibility and would greatly diminish the value of private sector advice as required by U.S. trade law." Regrettably, the Administration chose to ignore the Committee's concerns and has, in our judgment, violated the spirit, if not the letter, of the law. . . .

[T]he Committee believes that this agreement, if entered into force, would worsen the serious economic and social problems facing the United States today by encouraging U.S. investment in Mexico and thereby reducing domestic employment and levels of compensation. . . . The issue is not whether the United States should be engaged internationally. Rather, the issue is how to structure this engagement so that the benefits of economic activity are equitably distributed. . . . Where are the protections in this agreement against further deindustrialization of the American economy? Where are the protections against the erosion of our skill base in manufacturing? Where are the counter-incentives to massive transfers of investment and production to Mexico? Where are the protections for Mexican workers to help ensure that they, and not just their employers, will reap benefits from increased

investment -- that would mean they might become consumers for the products that they and we produce? As N.A.F.T.A. is currently drafted, we know that U.S. corporations, and the owners and managers of these corporations, stand to reap enormous profits. The United States as a whole, however, stands to lose an enormous amount.

23. For an advocate's statement about N.A.F.T.A.'s likely effects on "unskilled" workers, see for example, Paul Krugman, "The Uncomfortable Truth about N.A.F.T.A.," *Foreign Affairs*, November/December 1993, pp. 13-19. An excerpt:

With N.A.F.T.A.'s opponents resorting to simplistic but politically effective rhetoric, the agreement's supporters have responded in kind if not in degree. In the glowing picture now presented by N.A.F.T.A. advocates inside and outside the administration, the agreement will create hundreds of thousands of high-paying jobs, do wonders for U.S. competitiveness, and assure the prosperity of North America as a whole. This picture is not as grossly false as that painted by N.A.F.T.A.'s opponents, but it does considerably glamorize the reality. The truth about N.A.F.T.A. . . . [includes the fact that it] will also probably lead to a slight fall in the real wages of unskilled U.S. workers. . . . [W]e should expect to see at least some adverse impact of N.A.F.T.A. on the wages of American manual workers.

On "unskilled" workers comprising 70 percent of the U.S. workforce, see for example, Ian Robinson, *North American Trade As If Democracy Mattered: What's Wrong with N.A.F.T.A. and What Are the Alternatives?*, Ottawa: Canadian Centre for Policy Alternatives/ Washington: International Labor Rights Education and Research Fund, 1993, pp. 28, 70 n.224.

On N.A.F.T.A.'s predicted effects for Mexico, see for example, Tim Golden, "Mexican Leader a Big Winner As the Trade Pact Advances," *New York Times*, November 19, 1993, p. A1 ("economists predict that several million Mexicans will probably lose their jobs in the first five years after the [N.A.F.T.A.] accord takes effect").

On the actual effects of N.A.F.T.A., see for example, Maude Barlow and Tony Clarke, *M.A.I. (the Multilateral Agreement on Investment) and the Threat to American Freedom*, New York: Stoddart, 1998. An excerpt (pp. 25-27):

A number of respected research organizations, including the Institute for Policy Studies and the Economic Policy Institute, recently issued a study on N.A.F.T.A. called *The Failed Experiment: N.A.F.T.A. at Three Years*. The results should give Americans pause. The researchers found that, while some North Americans -- mainly large exporters and financial speculators -- have benefited from the deal, the majority of ordinary citizens and workers in all three countries have not: "Rather than produce large and growing U.S. trade surpluses with its neighbors, as proponents guaranteed, N.A.F.T.A. has plunged America's regional trade into deep and probably chronic deficit. Instead of the promised new jobs in the United States, N.A.F.T.A.-encouraged trade and investment patterns have displaced more than 400,000 American jobs on net. Most important, N.A.F.T.A. has helped to depress U.S. wages and living standards. Workers have been hurt by the availability of cheap labor in Mexico and by great reductions in the bargaining power they hold with their employers. N.A.F.T.A.'s labor side agreement has failed utterly to protect the rights of workers or the enforcement of labor standards."

In Mexico the story is worse. N.A.F.T.A.-style economics mired the country in slow growth and led directly to the peso's collapse in 1994. More than two million jobs have been lost, many thousands of small businesses were destroyed, and

human rights violations have escalated. N.A.F.T.A. has also been a failure in Canada, which experienced high job loss as manufacturing plants moved away in large numbers. Universal social programs have been slashed in order to make the country more "competitive" in the N.A.F.T.A. economy. As a result, since the Canada-U.S. Free Trade Agreement was signed in 1989, there has been an increase in child poverty, unprecedented in the industrialized world, of 58 percent.

*The Failed Experiment* mirrored another study, this time by Public Citizen, that showed how N.A.F.T.A. has resulted in lower environmental and food safety standards in all three countries as well as a huge increase in pollution along the Mexican-U.S. border. *N.A.F.T.A.'s Broken Promise: The Border Betrayed* reports that N.A.F.T.A. has actually accelerated damage to border area public health and the environment: "N.A.F.T.A. has intensified severe problems of water and air pollution [and] hazardous waste dumping, and increased the incidence rates of certain diseases and birth defects in the border region." Contrary to pre-N.A.F.T.A. promises, concentration of industry along the border is steadily increasing while government funding at the local, state, and federal levels has been steadily cut. Ozone levels in border towns have decreased, U.S. environmental and public health laws have been subverted, and the quality of the U.S. food supply has been dangerously compromised. Further, N.A.F.T.A. opened U.S. borders to trucks that don't meet U.S. safety standards and weakened border inspections for illegal drugs, resulting in a sharp increase in drug trafficking in the Americas.

Leslie Crawford, "Legacy of Shock Therapy," *Financial Times* (London), February 12, 1997, p. 11. An excerpt:

[T]he country which is emerging after two years of shock therapy and a crippling recession is very different from the Mexico that joined the North American Free Trade Area in January 1994. The triumphalism which accompanied accession to Nafta, and the presumption of an equal partnership with Canada and the U.S., have vanished along with the jars of American peanut butter on supermarket shelves and the cheap flights to Miami. Trade between Mexico and the U.S. has soared to an estimated \$150bn a year. But that is because the devaluation of the peso transformed Mexico into a cheap source of manufactured goods, with industrial wages one-tenth of those in the U.S. . . .

[R]eal incomes have lost one-fifth of their purchasing power since the devaluation, while more than 50 per cent of urban families subsist on less than two minimum wages -- 52 pesos, or \$6.50, a day in total. A national health service surgeon earns little more than \$300 a month. Only the very rich, with dollar accounts in Caribbean tax havens, have been able to withstand the double blow of rapid peso depreciation and high inflation.

One of the most serious consequences of N.A.F.T.A. is its impact on union-organizing efforts in the U.S. and Canada due to the threat to transfer jobs to Mexico. On the rise of this tactic in the mid-1990s, see for example, Kate Bronfenbrenner, "We'll Close! Plant Closings, Plant-Closing Threats, Union Organizing and N.A.F.T.A.," *Multinational Monitor*, March 1997, pp. 8-13. An excerpt:

Plant-closing threats and actual plant closings are extremely pervasive and effective components of U.S. employer anti-union strategies. From 1993 to 1995, employers threatened to close the plant in 50 percent of all union certification elections and in 52 percent of all instances where the union withdrew from its organizing drive ("withdrawals"). In another 18 percent of the campaigns, the employer threatened to close the plant during the first-contract campaign after the election was won. . . . Almost 4 percent of employers closed down the plant before a

second contract was reached. The 15 percent shutdown rate within two years of the certification election victory is triple the rate found by researchers who examined post-election plant-closing rates in the late 1980s, before the North American Free Trade Agreement (N.A.F.T.A.) went into effect. . . .

In more than one in 10 cases, according to organizers, employers directly threatened to move to Mexico if the workers voted to unionize. According to the organizers, specific unambiguous threats ranged from attaching shipping labels to equipment throughout the plant with a Mexican address, to posting maps of North America with an arrow pointing from the current plant site to Mexico, to a letter directly stating the company will have to shut down if the union wins the election. In March 1995, I.T.T. Automotive in Michigan parked 13 flat-bed tractor-trailers loaded with shrink-wrapped production equipment in front of the plant for the duration of a U.A.W. organizing campaign. The company posted large hot-pink signs . . . on the side which read "Mexico Transfer Job." The equipment came from a production line the company had closed without warning. I.T.T. Automotive also flew employees from its Mexican facility to videotape Michigan workers on a production line which the supervisor claimed the company was "considering moving to Mexico. . . ." In one campaign in the Texas Rio Grande Valley, Fruit of the Loom posted yard signs in the community that said, "Keep Jobs in the Valley. Vote No." The company also hung a banner across the plant that warned, "Wear the Union Label. Unemployed."

24. For the *New York Times's* analysis of N.A.F.T.A.'s likely effects on the New York region, see Thomas J. Lueck, "The Free Trade Accord: The New York Region," *New York Times*, November 18, 1993, p. A22. An excerpt:

Though labor unions and many small manufacturers are braced for the worst, economists and business people generally predict that New York, New Jersey and Connecticut will benefit far more from the North American Free Trade Agreement than the region will be hurt by losing jobs to low-wage Mexican workers. . . . Banks and Wall Street securities firms, which will probably draw more benefit from the pact than any other businesses, say they are itching to buy Mexican businesses or invest in them.

To be sure, semi-skilled production workers across the region have reason for worry. Even if the pact does not create direct inducements for their employers to leave, the new competition from Mexico's expanding manufacturing base seems likely to worsen the financial troubles that have closed hundreds of plants. . . . The accord is expected to worsen the problems of many communities already staggered by lost factory jobs and pockmarked with abandoned plants. . . . [I]n textiles, "the people most at risk in this industry are predominantly women, blacks and Hispanics," said Herman Starobin, research director for the International Ladies Garment Workers Union in New York City, where 80,000 workers make clothing. "These are the people who need the jobs most."

25. On protests against G.A.T.T. in India and elsewhere, see for example, Sandy Tolan, "Against the Grain; Multinational Corporations Peddling Patented Seeds And Chemical Pesticides Are Poised To Revolutionize India's Ancient Agricultural System. But At What Cost?," *Los Angeles Times Magazine*, July 10, 1994, p. 18. An excerpt:

The G.A.T.T. accord makes it possible for [multinational seed and petrochemical] companies to search India's fields and then create, patent and market new, "improved" products -- which, in turn, can be sold back to farmers. . . . In the year preceding the [G.A.T.T. and other international trade] accords, millions of farmers,

environmentalists and social activists in India, Europe and east Asia took part in mass demonstrations and, in the case of Mexico, open rebellion. . . .

In South Korea, thousands of people participated in "rice riots" to denounce low-priced imports. Japanese legislators went on hunger strikes, and rice farmers vehemently protested increased imports. More than 10,000 farmers across France joined in anti-G.A.T.T. demonstrations, blocking highways and rail lines and bringing their tractors into the heart of Paris. And in India, crowds reaching half a million rallied against G.A.T.T. for more than a year. These opponents of the trade agreement believe it will force millions of farmers off their land and place much of the world's basic food supply in ecological jeopardy.

Michael Pollan, "The Seed Conspiracy," *New York Times*, March 20, 1994, section 6, p. 49. An excerpt:

[U]nder the new G.A.T.T. accords, which will be phased in over the next five years, the world will take a giant step toward the privatization of seeds. That's because the G.A.T.T. provisions on "intellectual property rights" require all signatories -- many for the first time -- to set up a system for the patenting of plant varieties. This development has already ignited powerful protests in the third world. Many farmers worry that by promoting F-1 hybrids and patenting local plant varieties that were previously saved and exchanged freely, multinational corporations will ruin traditional agriculture.

Last July a group of Indian farmers destroyed a Cargill seed-processing plant under construction in southern India, the second attack on the American seed giant's facilities there. (During the first, in December 1992, 300 protesters broke into Cargill's office in Bangalore and made a bonfire of corporate documents.) And in October, in what may be the largest protest ever against G.A.T.T., more than 500,000 farmers in India rallied in defense of their "sovereignty over seeds."

See also, "Indian Man Commits Suicide In G.A.T.T. Protest," Reuters, February 5, 1994 (available on Nexis database)("A suicide note [left by 34-year-old A.N. Basavaraju] said he killed himself to protest the Indian government's decision to sign the international General Agreement on Tariffs and Trade deal reached in December").

For more detail on the protesters' immediate grievance, see for example, Walter Schwarz, "Seeds of Discontent," *Guardian* (U.K.), March 11, 1994, p. 16. An excerpt:

When the Uruguay Round of the Gatt is finally signed next month, the companies will be able to enforce copyright on scientifically improved seeds. In theory, this means farmers will no longer be allowed to gather seeds from these crops, but will have to buy them each year from seed companies. Many of these seeds depend on chemicals for growth. All this, Najundaswami [leader of the ten-million member Karnataka Farmers Union in India] says, will lead to a monopoly for agribusiness, requiring farmers to spend heavily on chemical fertilisers and pesticides (usually sold by the same companies). It could, he says, threaten the livelihoods of all but rich farmers. . . .

[The protesters'] central target is the "intellectual property rights" awarded to companies by the new Gatt rules, which threaten to stop them trading seeds among themselves. . . . Hybrid seeds sold by companies are sterile, cannot be resown after the first harvest and must therefore be repurchased every year. . . . But non-hybrids can be replanted and farmers say their time-honored methods of trading such seeds after each harvest are now under threat. Under the new Gatt rules, companies can sue farmers for selling seeds from their own fields when these are claimed as derivatives of protected seeds. Astonishingly, the rules place the onus of proof in case of dispute on the farmers, a provision going against normal rules of justice

which has caused particular anger. Such seeds are not primitive, the farmers insist. They represent centuries of improvement and adaptation to local conditions and have been developed for mixed, sustainable agriculture.

Multinational Western corporations reap billions in profits by exploiting seeds and plants developed and discovered by Third World peoples over centuries. See for example, Darrell Posey, "Intellectual Property Rights (and just compensation for indigenous knowledge)," *Anthropology Today* (U.K.), August 1990, pp. 13-16. An excerpt:

The annual world market value for medicines derived from medicinal plants discovered from indigenous peoples is U.S.\$43 billion. Estimated sales for 1989 from three major natural products in the U.S. alone was: digitalis, U.S.\$85 million; Resperine, U.S.\$42 million; Pilocarpine, U.S.\$28 million. . . . Unfortunately, less than 0.001 percent of the profits from drugs that originated from traditional medicine have ever gone to the indigenous people who led researchers to them.

This article also notes that profits of at least the same scale could derive from natural insecticides, insect repellents, and plant genetic materials. Moreover, the international seed industry alone makes some \$15 billion per year, based in large part on genetic materials from crop varieties "selected, nurtured, improved and developed by innovative Third World farmers for hundreds, even thousands of years."

26. On the harmful impact of France's product patents, see for example, William Brock, *The Norton History of Chemistry*, New York: Norton, 1992, p. 308.

27. On "Intellectual Property" rights and pharmaceutical prices, see for example, "Intellectual property . . . is theft," *Economist* (London), January 22, 1994, p. 72. An excerpt:

"Process" patents are still the rule in many developing countries -- particularly when they relate to life-saving medicines in the developing world. In Brazil and Argentina drugs which are deemed life-sustaining cannot be patented at all. . . . If drug firms enjoy monopoly rights through the patent system, pharmaceutical prices are likely to go up -- so much so, say opponents, that local people will be denied the treatment they need. Critics in India, which imposes strict controls on the price of drugs, point to the experience of Pakistan, where products are granted patents and prices are up to ten times higher.

See also, Linda Diebel, "How U.S. drug lobby put new patent law atop Canada's agenda," *Toronto Star*, December 6, 1992, p. A1.

28. On intra-firm "trade," see for example, Vincent Cable, "The diminished nation-state: a study in the loss of economic power," *Daedalus*, March 22, 1995, p. 23 (according to the United Nations's 1993 *World Investment Report*, intrafirm trade is "estimated at over 50 percent of the international trade of both the United States and Japan and 80 percent of British manufactured exports").

29. In fact, Chomsky's book *Necessary Illusions* -- which was on the non-fiction bestseller list in Canada -- could not even be reviewed on "public" broadcasting in the United States. See Alexander Cockburn and Ken Silverstein, *Washington Babylon*, London: Verso, 1996. An excerpt (p. 34):

Back in 1990, pressed to devote its five-minute book section to Noam Chomsky's *Necessary Illusions*, [National Public Radio's] "All Things Considered" pre-recorded

Chomsky in its Boston studio, then announced at 5 p.m. that the interview would be aired at 5:25. Came 5:25 and the eager listeners heard nothing but solemn music. In the interim a senior N.P.R. executive, hearing the 5:00 announcement, had axed the segment over the protests of the producer. Five years later the show's host Robert Siegel stated publicly, "We wouldn't be interested in airing the views of such media and political critics as Chomsky."

A footnote on public radio north of the border: *Necessary Illusions* was delivered as lectures, mostly about U.S. media, over C.B.C. [the nationally-owned Canadian Broadcasting Company].

Audio tapes of Chomsky's Massey Lectures are available from Alternative Radio, 2129 Mapleton, Boulder, CO, 80304, as: "Media, Propaganda and Democracy: Massey Lectures/CBC" (five tapes).

30. Chomsky also discussed former Canadian Prime Minister Lester B. Pearson in a transcribed lecture in Canada. See Noam Chomsky, "The Drift towards Global War," *Studies in Political Economy* (Ottawa), Summer 1985, pp. 5f at pp. 24-26. For documentation about Pearson's allowing Canada to use its status as an allegedly "impartial" international mediator to assist the U.S. in its Indochina policies before and during the Vietnam War, see for example, James Eayrs, *In Defence of Canada -- Indochina: Roots of Complicity*, Toronto: University of Toronto Press, 1983, especially pp. 186-188, 223, 242-249; Victor Levant, *Quiet Complicity: Canadian Involvement in the Vietnam War*, Toronto: Between the Lines, 1986, especially pp. 177-181 and chs. 9 and 13. See also, George C. Herring, ed., *The Secret Diplomacy of the Vietnam War: The Negotiating Volumes of the Pentagon Papers*, Austin: University of Texas Press, 1983.

31. On Canada's role as a military exporter during the Vietnam War, see for example, Victor Levant, *Quiet Complicity: Canadian Involvement in the Vietnam War*, Toronto: Between the Lines, 1986, ch. 6; Claire Culhane, *Why Is Canada In Vietnam? The Truth about our Foreign Aid*, Toronto: N.C. Press, 1972.

32. On factory fires in China, see for example, Sheila Tefft, "Growing Labor Unrest Roils Foreign Businesses in China," *Christian Science Monitor*, December 22, 1993, p. 1. An excerpt:

In November, at a toy factory run by a Hong Kong businessman in the southern special economic zone of Shenzhen, more than 80 women died when fire raged through the plant, trapping them behind barred windows and blocked doorways. Less than a month later, 60 workers died when fire swept through a Taiwanese-owned textile mill in Fuzhou, capital of Fujian province. Chinese officials and analysts say the accidents stem from abysmal working conditions, which, combined with long hours, inadequate pay, and even physical beatings, are stirring unprecedented labor unrest among China's booming foreign joint ventures.

In recent months, newspapers have carried numerous reports of abuses against Chinese workers, who were beaten for producing poor quality goods, fired for dozing on the job during long work hours, fined for chewing gum, locked up in a doghouse for stealing, and who went on strike to protest low pay. . . . More than 11,000 workers were killed in [the first eight months of 1993 alone]. . . . [T]he problems are particularly troubling in Guandong and Fujian provinces, engines in China's booming economy.

Richard Smith, "Creative Destruction: Capitalist Development and China's Environment," *New Left Review*, No. 222, March/April 1997, pp. 3-41 at p. 7 n.8 (the Chinese government "reported that industrial accidents killed 18,160 workers in China's factories and mines in 1995," and "the Labor Ministry said that it expects industrial accidents 'to soar'").

These circumstances are routine in other Third World countries as well. See for example, P.R. Newswire Association, Inc., Distribution To Business, Foreign and Labor Editors, "A.F.L.-C.I.O. President [Lane Kirkland] Comments On Tragic Fire In Thai Toy Factory," May 13, 1993 (available on Nexis database). An excerpt:

We share in the world's horror at the deaths of some 240 young Thai workers -- and the injuries to 500 more -- in the fire that swept a Thai toy factory Monday night. Such massive loss of life in a factory fire should not happen anywhere in this day and age. But it is not surprising. The Kader factory near Bangkok, like so many others in that region of the world, was a death trap. It had no fire escapes, no fire alarms, and no sprinkler or other safety systems. Despite three earlier fires, Kader made no attempt to improve protections for the workers there, who were mostly young women toiling at rock-bottom wages. Worse yet, witnesses have reported that the fire exits had been locked to prevent the workers from stealing toys as they fled for their lives.

The Kader factory was a direct supplier to more than a dozen U.S. companies, including Tyco, Fisher Price, Hasbro, Gund and J.C. Penney. More than 20 other U.S. companies, including Toys "R" Us and Wal-Mart, purchase goods made in other Kader factories in Thailand. These American companies cannot deny knowledge or responsibility for the abysmal working conditions in the factories that produce their goods. Indeed, those conditions are the reason they located production in Thailand in the first place. They can literally work people to death. American business executives call this "staying competitive in the world economy." They will say that they cannot be held responsible for the actions of their subcontractors in other parts of the world. We disagree and wonder how many more must die before those who ultimately profit from this misery are held accountable.

This report -- distributed to business and foreign desk editors across the United States on the news-wire -- was not published in the U.S. media.

See also, Merrill Goozner, "Asian Labor: Wages of Shame, Western Firms Help to Exploit Brutal Conditions," *Chicago Tribune*, November 6, 1994, p. 1. An excerpt:

In the world of Asian laborers, which makes the goods that line the shelves of American, European and Japanese stores, workers get fired for leaving their machines to go to the bathroom. Bosses punish tardy workers by making them stand in the sun for hours. It's a world in which factory owners build dormitories that house 100 women in a room, all too often stacked above warehouses and locked at night. The inevitable fires have taken a horrendous toll in human life. Employers regularly flout government regulations on minimum wages and maximum hours, where health and safety regulations are either non-existent or not enforced, and where governments forbid workers from forming unions -- or even meeting to discuss the issue.

Hundreds of thousands of children on the Indian subcontinent labor to produce the intricate hand-knotted carpets considered a sign of taste in the First World markets. And thousands more Indonesian children work in fishtraps, harvesting seafood delicacies for Japanese sushi shops and U.S. seafood counters. . . . [B]usinessmen, forever chasing the lowest-cost sites for their textile, shoe, toy and other labor-intensive factories, want . . . nothing to stand in the way of their freedom

to take advantage of the low wages and abysmal working conditions in many parts of the region.

33. For a sinologist's discussion of China fragmenting, see for example, Henry Rosemont, *A Chinese Mirror: Moral Reflections on Political Economy and Society*, LaSalle, IL: Open Court, 1991, ch. 3, especially p. 86. For more on China and its prospects, see Timothy B. Weston and Lionel M. Jensen, eds., *China beyond the Headlines*, Lanham, MD: Rowman and Littlefield, 2000.

34. On China's cooperatives, see for example, "Down off the farm: A new form of corporate organisation has transformed China," *Economist* (London), November 28, 1992, p. 11. An excerpt:

Rural China has been remade. When the reforms began, farming accounted for 70% of rural output, industry for 20%; now farming accounts for 45% and industry for only a point or two less than that. . . . The lay of the land would seem more familiar if "non-state" in China meant "privately owned." It does not, or not necessarily. For the most part, China's rural industries are, in the words of Ronald McKinnon, a Stanford economist, "a form of corporate organisation that hasn't been created before."

Most of the rural industries, technically known as "township and village enterprises" (T.V.E.s), are controlled by units of local government: counties, townships or villages. Managers are answerable to local officials and to the householders who have started the business or invested in it (plenty of overlap, usually). Some of the T.V.E.s' profits go into local infrastructure like roads and schools, some are retained for investment, some are paid out to individual households as dividends.

David R. Francis, "China's Economy Advances Briskly," *Christian Science Monitor*, May 14, 1992, p. 2. An excerpt:

By now, T.V.E.s produce nearly 80 percent of all bricks in China. They account for almost 20 percent of total cement production, three-eighths of silk textile output, nearly a quarter of paper and cardboard, around 30 percent of phosphate fertilizer, and 26 percent of coal, notes Vogl. T.V.E.s are increasingly active in electronics. . . . [They] now account for close to 20 percent of China's G.N.P., employing more than 100 million people.

Ronald I. McKinnon, "China's Economy: China's Tentative Freedoms," *Asian Wall Street Journal*, February 23, 1994, p. 6. An excerpt:

Although small private enterprises are important in trade and commerce, the most amazing growth in manufacturing has been in consumer-oriented light-industry enterprises owned by townships and villages -- the so-called T.V.E.s. . . . The profit and tax flows from the T.V.E.s serve to make many local governments financially independent of Beijing. One consequence is that local officials in thriving areas have become more responsive to the needs of residents for schools, hospitals, roads, recreational facilities and so forth.

35. On imprisonment in China, see for example, Human Rights Watch, *The Human Rights Watch Global Report On Prisons*, New York: Human Rights Watch, June 1993, pp. 137-150; Marc Mauer and The Sentencing Project, *Race to Incarcerate*, New York: New Press, 1999, Table 2-1, pp. 21-22 (listing 1995 incarceration figures of 1,236,534 in China, and 1,585,401 in the U.S.). On imprisonment in the United States, see chapter 10 of *U.P.* and its footnotes 31 and 32.

36. On export of U.S. prison labor products, see for example, Reese Erlich, "U.S., as Well as China, Exports Prison Goods," *Christian Science Monitor*, February 9, 1994, p. 8. An excerpt:

While the Clinton administration continues to criticize China for exporting prison-made products to the United States, California and Oregon are stepping up efforts to export their prison-made clothing to Asia. . . . Oregon will export an estimated \$3 million worth of inmate-manufactured jeans and shirts this year to Japan, Italy, and other countries, according to Brad Haga, marketing director for Oregon Prison Industries, the state agency that oversees the manufacture of prison goods. Oregon prisons sell a line of work clothes called Riggers, as well as specialty jeans, shirts, and shorts dubbed "Prison Blues." California prisons export less prison-made clothing than Oregon, having so far sent test orders to Japan and Malaysia. The garments are manufactured by inmates whose net pay falls well below minimum wage. California inmates earn 35 cents an hour for sewing shirts. Oregon prisons pay inmates \$6 to \$8 an hour, but take back 80 percent for room, board, and in some cases restitution to victims. . . .

To prevent unfair competition, California prison-made goods cannot be sold to the private sector. License plates, office furniture, clothing, and other items are sold to government agencies or exported. . . . If prisoners refuse work assignments, they are usually transferred from dormitories to cells and denied some canteen privileges.

37. On Ford's and Kissinger's authorization for the 1975 East Timor invasion, see for example, Jack Anderson, "East Timor Shouldn't Be Ignored," *Washington Post*, November 9, 1979, p. B13 (note the late date of this article reporting the story). An excerpt:

By Dec. 3, 1975, an intelligence dispatch to Washington reported that . . . "Ranking Indonesian civilian government leaders have decided that the only solution in the Portuguese Timor situation is for Indonesia to launch an open offensive against Fretilin [the newly independent East Timorese government]. . . ." As it happened, President Gerald Ford was on his way to Indonesia for a state visit. An intelligence report forewarned that Suharto would bring up the Timor issue and would "try and elicit a sympathetic attitude" from Ford. That Suharto succeeded is confirmed by Ford himself. . . . Ford also received the impression, he told us, that Suharto planned not to stage an invasion but to put down a rebellion. The U.S. national interest, Ford concluded, "had to be on the side of Indonesia. . . ." Ford gave his tacit approval on Dec. 6, 1975. The Indonesians struck the following day.

Hamish MacDonald [former *Washington Post* Jakarta correspondent], *Suharto's Indonesia*, Blackburn, Australia: Fontana/Collins, 1980. An excerpt (p. 211):

An attack on Dili was to have been made on 5 December [1975], the day U.S. President Gerald Ford and his Secretary of State, Henry Kissinger, were due to arrive in Jakarta from China. American intelligence learnt of this highly compromising timetable, and successfully demanded that the operation be postponed until after Ford left on 6 December. In Jakarta Kissinger raised no objection to the intervention, stipulating only that the Indonesians did it "quickly, efficiently and don't use our equipment." (He was to be disappointed on all three counts.)

See also, A.P., "Indonesian Drive Into Timor Told," *Los Angeles Times*, December 7, 1975, p. 1. An excerpt:

Fretilin [the political party supporting Timorese independence] has said it wants to establish a nonaligned, democratic nation. It appealed to President Ford during his

visit to Jakarta Saturday to plead the Fretilin case with Indonesian President Suharto. Secretary of State Henry A. Kissinger, who is traveling with Ford, told newsmen in Jakarta that the United States would not recognize the Fretilin-declared republic and "the United States understands Indonesia's position on the question."

House of Representatives, Hearings Before the Subcommittee on International Organizations of the Committee on International Relations (Rep. Donald M. Fraser, Chairman), *Human Rights in East Timor and the Question of the Use of U.S. Equipment by the Indonesian Armed Forces*, June 28 and July 19, 1977, 95th Congress, 1st Session, Washington: U.S. Government Printing Office, 1977, pp. 72-73. Congressman Fraser, whose record was consistently honorable (in marked contrast to most of his colleagues), summarized his final impressions at the conclusion of the Congressional hearings on East Timor as follows:

[T]he United States was apprised, at least in general, perhaps specifically, because I think Secretary Kissinger was in Djakarta the day before the invasion, we were apprised of the intention of the Indonesian government but we made no serious objection to what they proposed to do; that as soon as the military operations, which were by the testimony of other members of the State Department at least initially quite violent, within a matter of months after the major military operations came to an end and what I would regard as a facade of self-determination was expressed, the United States immediately indicated it was satisfied with what had transpired and resumed shipments of military assistance which it never told Indonesia it was suspending. U.S. arms were used in all that and continue to be used today, there is a degree of complicity here by the United States that I really find to be quite disturbing. Even if one sets that aside, to write off the rights of 600,000 people because we are friends with the country that forcibly annexed them does real violence to any profession of adherence to principle or to human rights. I am deeply disappointed that this administration [i.e. Carter's] has continued that posture. It seems to me that on this score they have come out with a very bad rating.

The response by the State Department representative, George H. Aldrich, is an incoherent evasion which defies summary and is pointless to quote. And see footnote 39 of this chapter.

38. On U.S. weaponry in the East Timor invasion and Kissinger's leaked order to increase its supply, see footnotes 39 and 41 of this chapter.

39. On British, Australian, and U.S. awareness and approval of the East Timor invasion plans and their progress, see for example, John Pilger, "Land of the dead; journey to East Timor," *Nation*, April 25, 1994, p. 550. An excerpt:

Western governments knew in advance the details of almost every move made by Indonesia. The C.I.A. and other American agencies intercepted Indonesia's military and intelligence communications at a top-secret base run by the Australian Defense Signals Directorate near Darwin [Australia]. Moreover, leaked diplomatic cables from Jakarta, notably those sent in 1975 by the Australian Ambassador Richard Woolcott, showed the extent of Western complicity in the Suharto regime's plans to take over the Portuguese colony. Four months before the invasion Ambassador Woolcott cabled his government that Gen. Benny Murdani, who led the invasion, had "assured" him that when Indonesia decided to launch a full-scale invasion, Australia would be told in advance. Woolcott reported that the British ambassador to Indonesia had advised London that it was in Britain's interests that

Indonesia "absorb the territory as soon as and as unobtrusively as possible"; and that the U.S. ambassador had expressed the hope that the Indonesians would be "effective, quick and not use our equipment. . . ."

Kissinger sought to justify continuing to supply the Indonesian dictatorship by making the victim the aggressor. At a meeting with senior State Department officials, he asked, "And we can't construe [prevention of] a communist government in the middle of Indonesia as self-defense?" Told that this would not work, Kissinger gave orders that he wanted "to stop arms shipments quietly," but that they were secretly to "start again" the following month. In fact, as the genocide unfolded, U.S. arms shipments doubled. In 1975 C. Philip Liechty was a C.I.A. operations officer in the U.S. Embassy in Jakarta. We met in Washington last November. "Suharto was given the green light [by the U.S.] to do what he did," Liechty told me. "There was discussion in the embassy and in traffic with the State Department about the problems that would be created for us if the public and Congress became aware of the level and type of military assistance that was going to Indonesia at the time."

"Kissinger's personal instructions," *New Statesman* (U.K.), November 21, 1980, pp. 6-7 (quoting numerous secret cables that confirm the British, Australian and U.S. leaders' knowing complicity); John Taylor, *Indonesia's Forgotten War: The Hidden History of East Timor*, London: Zed Books, 1991, chs. 4 and 5. See also footnotes 37, 43 and 45 of this chapter.

Even the Western media had predicted that an invasion of East Timor was about to occur. See for example, "A tempting target," *Economist* (London), March 15, 1975, p. 61 ("General Suharto and his advisers are reported to be seriously considering a military takeover of Portuguese Timor"); "Indonesia eyes Portuguese colony," *Christian Science Monitor*, April 24, 1975, p. 30 ("there is an almost universal feeling in Jakarta within the government and the military that Indonesia is going to have East Timor -- by peaceful means preferably, but by sending in troops if necessary"); John Saar, "Jakarta Set to Use Force to Overturn Timor Independence," *Washington Post*, November 30, 1975, p. A18 ("[Indonesia's] top leaders have told foreign diplomats that they will not tolerate . . . a non-viable, highly unstable independent East Timor which might start an infection of secessionism among the 3,000 Indonesian islands").

The U.S. press also pointed out America's leverage with Indonesia when it reported the impending invasion of East Timor two days before it occurred (David Andelman, "President Ford's Stop Today: Indonesia, One of Asia's Richest Yet Poorest Countries," *New York Times*, December 5, 1975, p. 19):

[The Indonesian] Government seeks ever-increasing military and economic assistance from the United States . . . [and is] anxious to win assurances of United States support for their "archipelago concept," in which they have claimed as territorial waters all the sea area in the archipelago. . . . The United States is also likely now to ask the Indonesians to explain their intentions regarding Portuguese Timor -- intentions that they have been describing as peaceful since last August but that may have shifted last weekend. Foreign Minister Malik . . . [declared last Friday] that the situation [in East Timor] had gone beyond diplomacy and could be resolved only on the battlefield. . . . [T]he Malik statement . . . puzzled American officials because it came in all its stridency four days before the arrival of President Ford.

40. The *New York Times* index gives a good indication of how the U.S. press covered the unfolding East Timor invasion and occupation. In 1975, when the fate of the Portuguese colonies was a matter of much concern in the West, Timor received six full

columns in the annual index (i.e. the finely-printed reference listing of articles published on a subject). In 1976, when the Indonesian army was beginning the "annihilation of simple mountain people" -- as the Congressional testimony of anthropologist Shephard Forman, who worked in Timor, described Indonesia's occupation -- coverage dropped to half a column. In 1977, when the massacre was reaching truly awesome proportions, coverage dropped to five lines. Furthermore, these five lines refer to a story about refugees in Portugal; actual coverage of East Timor in the *New York Times* when the killings reached an arguably genocidal level was flat zero.

Indeed, only one journal in North America published a serious article on East Timor during the entire worst phase of the killings, through 1978. See Arnold Kohen, "The Cruel Case of Indonesia," *Nation*, November 26, 1977, pp. 553-557.

On Canada as a prime supporter of the East Timor invasion since the beginning, see for example, Sharon Scharfe, *Complicity: Human Rights and Canadian Foreign Policy, the Case of East Timor*, Montreal: Black Rose Books, 1996.

41. On the scale of the East Timor killings, see for example, John Pilger, "Inside the ministry of propaganda," *New Statesman & Society* (U.K.), April 29, 1994, p. 16. An excerpt:

Two weeks ago, the puppet governor of East Timor, Abilio Soares, a high official installed by the regime who takes his orders from Jakarta, was asked by an Australian reporter if it was true that a third of the population had died under Indonesian rule. He replied, "I think it is true. Maybe around 200,000 have died in East Timor since 1975."

See also, John Taylor, *Indonesia's Forgotten War: The Hidden History of East Timor*, London: Zed Books, 1991, p. 83 (already by mid-1977, Indonesia's own Foreign Minister, Adam Malik, acknowledged that "Fifty thousand people or perhaps 80,000 might have been killed during the war in East Timor" -- an admission which still represents the killing of about ten percent of the population). And see footnote 57 of this chapter.

On Carter's replenishment of Indonesia's arms supply at the height of the East Timor killings, see for example, Ann Crittenden, "U.S. Aid Restrictions Called Incomplete," *New York Times*, July 17, 1977, p. 7 ("the Administration has proposed to extend \$40 million in military sales credits to Indonesia in the 1978 fiscal year. This represents a 73 percent increase over the 1977 fiscal year"); Arnold Kohen, "The Cruel Case of Indonesia," *Nation*, November 26, 1977, pp. 553-557 ("the [Carter] administration was requesting a record \$58.1 million in military aid for Indonesia in fiscal 1978, a 28 percent increase over the \$46 million granted in fiscal 1977 -- which, in turn, was double the amount given in fiscal 1976").

See also, Terence Smith, "Mondale Is a Nonexpert Who Matters," *New York Times*, May 14, 1978, section 4, p. 1. An excerpt:

[Carter's] Vice President Walter Mondale spent two days in Jakarta discussing Indonesia's requests for additional military and economic assistance. As the talks concluded, an Indonesian minister drew aside an American official. "These sessions have been really useful for us," he said. "Now we have someone at the Friday breakfasts who understands Indonesia's problems." The breakfast the Minister was referring to is the foreign policy review that President Carter conducts over coffee and Danish every Friday. . . .

[Jakarta's request to purchase a squadron of A-4 ground-attack bombers had been] flatly opposed by human rights advocates in the State Department [who] felt Jakarta should be compelled to release some of Indonesia's 20,000 political prisoners. . . . [However, once in Jakarta], the Vice President found that the planes were indeed important to the Indonesians. . . . Some hurried phone calls back to Washington and a few hours later, the Vice President was given the discretionary authority to grant the plane request if he felt adequate progress could be obtained on human rights. More talks with the Indonesians persuaded him that this was the case. Shortly before he left, he announced the plane sale.

No mention of East Timor appears in this article. A letter of June 22, 1978, to Carter's Secretary of State Cyrus Vance from Congressional Representatives Donald Fraser and Helen Meyner, protesting the proposed transaction, informed the administration that the A-4 aircraft were likely to be used in East Timor -- perhaps good for a few laughs over coffee and Danish at the Friday breakfast.

On the figure of 90 percent of Indonesia's armaments being supplied by the U.S., see for example, Scott Sidell, "The United States and Genocide in East Timor," *Journal of Contemporary Asia*, Vol. II, No. 1, 1981, pp. 44-61 at pp. 47-48 (reporting the State Department's acknowledgment of this figure, and listing portions of the military equipment that the U.S. provided and its uses).

42. East Timor received extensive coverage in the U.S. press after its August 1999 referendum on independence and the ensuing bloodbath -- but the media's whitewash of the U.S. role in supporting Indonesia's 24-year occupation continued. See for example, Elizabeth Becker and Philip Shenon, "With Other Goals in Indonesia, U.S. Moves Gently on East Timor," *New York Times*, September 9, 1999, p. A1 (summarizing the Indonesian occupation and the "human rights abuses attributed to the military," but including no mention whatsoever of the U.S. role and responsibility for it, through decades of diplomatic, economic and armaments support); Editorial, "Another Messy Apartment," *Washington Post*, September 10, 1999, p. A36 ("At one time, you could have made an argument that East Timor was one of those places, no matter how unfortunate, that didn't merit U.S. involvement").

The tone and perspective of the coverage also was strikingly different from that used to describe the victims of enemy states, and the criminality of those states' leaders. See for example, Seth Mydans, "With More Broken Promises of Peace, East Timor Votes," *New York Times*, August 30, 1999, p. A3 ("pro-independence forces, with 24 years of experience in both war and propaganda, have seized the role of well-intentioned victims," after "at least 200,000 people died as the Indonesian military struggled to suppress a separatist insurgency in this former Portuguese colony" -- in fact, struggled to suppress the population's refusal to submit to Indonesia's illegal annexation of their country, and the regime of terror imposed by the corrupt Indonesian dictatorship to massacre them).

For earlier samples of how the U.S. press covered Indonesia's occupation of East Timor when it infrequently reported on the topic over the decades, see for example, Henry Kamm, "War-Ravaged Timor Struggles Back from Abyss," *New York Times*, January 28, 1980, p. A1 (relating the history of the Indonesian occupation, with no discussion of the U.S. diplomatic role in allowing it to take place and ensuring that it could continue; no discussion of the true character of Indonesia's continuing military attack and its accelerated supply of U.S. weaponry; and written as if the "pacification"

was virtually complete and essentially ended, with the general population of East Timor no longer supporting the resistance any more than the occupying force. The U.S. humanitarian role in easing starvation in East Timor is, however, prominently highlighted); Bernard Nossiter, "World Watches Waldheim," *New York Times*, November 23, 1981, p. A8 (reporting that there was a vote in the U.N. General Assembly supporting "the right to self-determination by the people of East Timor," and that Indonesia had invaded the country in 1975 "with soldiers, planes, napalm and tanks" -- but making no mention of the U.S. role, the U.S. vote against the U.N. resolution, or earlier U.S. efforts to provide diplomatic cover for the Indonesian aggression and massacre); James Fallows, "Indonesia: An Effort to Hold Together," *Atlantic*, June 1982, pp. 8-22 at p. 18 ("American influence on [Indonesia's decision to invade] may easily be exaggerated," though the U.S. "could have done far more than it did to distance itself from the carnage"); James Fallows, "Double Moral Standards," *Atlantic*, February 1982, pp. 82f (reviewing a book of Chomsky's, and paraphrasing his critique of the U.S. role in East Timor as: "The American government . . . averted its eyes from East Timor").

After Indonesia committed the error of carrying out a massacre in front of T.V. cameras in 1991 -- and brutally beat two independent U.S. journalists who were in East Timor -- the *Washington Post* to its credit called for a change in U.S. policy towards the occupation, which it explained as follows (Editorial, "Dead in East Timor," *Washington Post*, November 20, 1991, p. A22):

Back in the '70s, most of the world had other things on its mind than a remote colonial backwater named East Timor. The American government was in the throes of its Vietnam agony, unprepared to exert itself for a cause -- one with no domestic constituency -- that could only end up complicating relations with its sturdy anti-Communist ally in Jakarta. But that was then. Today, with the East-West conflict gone, almost everyone is readier to consider legitimate calls for self-determination. It is time to dust off the question of East Timor and to give it the priority that justice and, now, international sentiment require. The United States has supported the Indonesians over the years and should be able to bring its influence to bear on this issue.

Chomsky comments about this editorial's account of longstanding U.S. policies (*Rethinking Camelot: J.F.K., the Vietnam War, and U.S. Political Culture*, Boston: South End, 1993, p. 16):

The relation of Indonesia's invasion to the East-West conflict was a flat zero. Unexplained is why, in the throes of its Vietnam agony, the U.S. found it necessary to increase the flow of weapons to its Indonesian client at the time of the 1975 invasion, and to render the U.N. "utterly ineffective in whatever measures it undertook" to counter the aggression, as U.N. Ambassador Daniel Patrick Moynihan proudly described his success in following State Department orders. Or why the Carter administration felt obliged to sharply accelerate the arms flow in 1978 when Indonesian supplies were becoming depleted and the slaughter was reaching truly genocidal proportions. Or why the Free Press felt that duty required that it reduce its coverage of these events as the slaughter mounted, reaching zero as it peaked in 1978, completely ignoring easily accessible refugees, respected Church sources, human rights groups, and specialists on the topic, in favor of Indonesian Generals and State Department prevaricators. Or why today it refuses to tell us about the rush of Western oil companies to join Indonesia in the plunder of Timorese oil. All is explained by the Cold War, now behind us, so that we may dismiss past errors to the memory hole and return to the path of righteousness.

Following President Suharto's abdication in the face of mass popular uprisings in 1998, Indonesia announced its "autonomy plan" for East Timor. The *New York Times's* report contained not a single reference to the United States, or even to the fact that near-genocidal killings had been occurring for more than twenty years in East Timor since Indonesia's invasion. The article's *sole* description of the East Timor conflict -- except for its repetition of the Indonesian Foreign Minister's charge that East Timorese guerrillas have "burned villages . . . [and] killed innocent villagers" -- states (Barbara Crossette, "Indonesia Agrees to an Autonomy Plan for East Timor," *New York Times*, August 6, 1998, p. A3):

The territory has benefited from Indonesian aid programs, even if they were intended only to mitigate military rule, and some Timorese may be swayed by that. . . . The likelihood that Indonesia's Army will interfere with a change in Timor's political status may be receding as cases of past human rights violations by the military are uncovered in increasing numbers.

Yet another revealing example occurred when the 1996 Nobel Peace Prize was awarded to East Timorese Bishop Carlos Ximenes Belo and diplomat José Ramos-Horta. The *New York Times* devoted three-quarters of a page to their selection and to the issue of East Timor, with only one paragraph in each of the two articles mentioning the United States -- each time obscuring its role in the massacre completely. The first reference (Philip Shenon, "Timorese Bishop and Exile Given Nobel Peace Prize," *New York Times*, October 12, 1996, p. A6):

The State Department congratulated the two Nobel laureates today. "We hope that the action of conferring the award on them will lead to a resolution of the problems of East Timor, in which the United States does have an interest," said Nicholas Burns, the department spokesman. "We have spoken out publicly about human rights abuses in East Timor and will continue to do so."

The second reference (Steven Lee Myers, "East Timor Has Chafed for Centuries Under Foreign Rule," *New York Times*, October 12, 1996, p. A6):

The United States has not contested Indonesia's annexation, although it maintains that there was never an act of self-determination by the Timorese and has repeatedly criticized Indonesia.

Similarly, the article in Canada's main newspaper contained no reference at all to the U.S. or Canadian role in the massacre. See John Stackhouse, "East Timor defenders awarded peace prize," *Globe and Mail* (Toronto), October 12, 1996, p. A1.

Chomsky discusses an illustrative case that occurred just prior to Indonesia's invasion (*The Washington Connection and Third World Fascism -- The Political Economy of Human Rights: Volume I*, Boston: South End, 1979, pp. 135-137):

The handling of the reports by the first foreign visitors after the brief civil war gives a revealing insight into the nature of the news management that has since then prevailed in the United States. The *New York Times* published an account written by Gerald Stone, "an Australian television journalist, who is believed to be the first reporter allowed there since the fighting began" (4 September 1975). In fact, the *Times* story is revised and excerpted from a longer report by the *London Times* (2 September 1975). The *New York Times* revisions are instructive.

A major topic of Stone's *London Times* story is his effort to verify reports of large-scale destruction and atrocities, attributed primarily to FRETILIN [the victorious Timorese political party] by Indonesian propaganda and news coverage based on [this propaganda], then and since. The reports, he writes, "had been filtered through the eyes of frightened and exhausted evacuees or, worse, had come dribbling down

from Portuguese, Indonesian, and Australian officials, all of whom had reason to distrust FRETILIN." Here are his major conclusions: "Our drive through Dili quickly revealed how much distortion and exaggeration surrounds this war. The city has been taking heavy punishment, with many buildings scarred by bullet holes, but all the main ones are standing. A hotel that was reported to have been burnt to the ground was there with its windows shattered, but otherwise intact. . . . Undoubtedly there have been some large-scale atrocities on both sides. Whether they were calculated atrocities, authorized by Fretilin or U.D.T. [the pro-Indonesian party] commanders, is another question. Time after time, when I tried to trace a story to its source, I found only someone who had heard it from someone else. Strangely, it is in the interest of all three governments -- Portuguese, Indonesian and Australian, to make the situation appear as chaotic and hopeless as possible. . . . *In that light, I am convinced that many of the stories fed to the public in the past two weeks were not simply exaggerations; they were the product of a purposeful campaign to plant lies [emphasis added].*" Stone implicates all three governments in this propaganda campaign.

Of the material just quoted, here is what survives editing in the *New York Times*: "A drive through Dili showed that the city had taken heavy punishment from the fighting. All the main buildings were standing but many were scarred with bullet holes." Stone's conclusions about the purposeful lies of Indonesian and Western propaganda are totally eliminated, and careful editing has modified his conclusion about the scale of the destruction. What the *New York Times* editors did retain was Stone's description of prisoners on burial detail, the terrible conditions in FRETILIN hospitals (the Portuguese had withdrawn the sole military doctor; there were no other doctors . . .), "evidence of beating" (this is the sole subheading in the article), and other maltreatment of prisoners by FRETILIN.

The process of creating the required history advances yet another step in the *Newsweek* account of Stone's *New York Times* article (International Edition, 15 September 1975). *Newsweek* writes that "the devastation caused by rival groups fighting for control of Timor is clearly a matter of concern," a comment that is interesting in itself, in view of the lack of concern shown by *Newsweek* for the real bloodbath since the Indonesian invasion. *Newsweek* then turns to "an account of the bloodbath written by Gerald Stone" in the *New York Times*. After quoting the two sentences cited above on the "drive through Dili," *Newsweek* continues: "Stone went on to report seeing bodies lying on the street and many badly injured civilians who had gone without any medical treatment at all. He also revealed that the Marxist Fretilin party had driven the moderate Timorese Democratic Union (U.D.T.) out of the capital and in the process had captured and systematically mistreated many U.D.T. prisoners. . . . Stone's dispatch supported the stories of many of the 4,000 refugees who have already fled Timor."

From this episode we gain some understanding of the machinations of the Free Press. A journalist visits the scene of reported devastation and atrocities by "the Marxist Fretilin party . . ." and concludes that the reports are largely false, in fact, in large measure propaganda fabrications. After a skillful re-editing job by the *New York Times* that eliminates his major conclusion and modifies others, *Newsweek* concludes that he found that the reports were true. Thus the required beliefs are reinforced: "Marxist" terrorists are bent on atrocities, and liberation movements are to be viewed with horror. And the stage is set for general acquiescence when U.S.-backed Indonesian military forces invade to "restore order."

43. For Ambassador Moynihan's exact words, see Daniel Patrick Moynihan (written with Suzanne Weaver), *A Dangerous Place*, Boston: Little, Brown, 1978. An excerpt (pp. 245-247):

In both instances [the Moroccan invasion of Spanish Sahara and the Indonesian invasion of East Timor], the United States wished things to turn out as they did, and worked to bring this about. The Department of State desired that the United Nations prove utterly ineffective in whatever measures it undertook. This task was given to me, and I carried it forward with no inconsiderable success. . . .

In February, the deputy chairman of the provisional government [of East Timor] forecast that the Indonesian forces would complete their takeover in three to four weeks, and estimated that some sixty thousand persons had been killed since the outbreak of civil war. This would have been 10 percent of the population, almost the proportion of casualties experienced by the Soviet Union during the Second World War. The three-to-four week estimate must have been correct, as the subject disappeared from the press and from the United Nations after that time.

See also, Leslie H. Gelb, "Moynihan Says State Department Fails To Back Policy Against U.S. Foes in U.N.," *New York Times*, January 28, 1976, p. 1.

On Moynihan's reputation as a defender of international law, see for example, Roger Rosenblatt, "Give Law a Chance," *New York Times Book Review*, August 26, 1990, section 7, p. 1 (lauding Moynihan's "espousal of the principles of international law" and his "sardonic, righteous anger," which recalls "the impassioned professor who suspects no one's listening" while he "is clearly fuming that an idea as morally impeccable as international law is routinely regarded as disposable and naive").

44. On the 1965 slaughter in Indonesia, see chapter 2 of *U.P.* and its footnote 23. On this slaughter being supported by the U.S. and welcomed in the West, see chapter 1 of *U.P.* and its footnote 18; and chapter 2 of *U.P.* and its footnotes 23, 24 and 25. On East Timor's oil, see footnotes 45 and 57 of this chapter.

45. The leaked Australian diplomatic records were published in a book that was immediately censored by the Australian government (as were newspapers that published excerpts from it). The reason for the injunction against publication, as told to the Australian High Court by Australia's Secretary of the Department of Foreign Affairs, Peter Henderson, was that the extracts named several important Indonesian leaders and their dissemination would damage Australian relations with Indonesia. The banned book was: J.R. Walsh and G.J. Munster, eds., *Documents on Australian Defence and Foreign Policy, 1968-1975*, Sydney: Hale & Iremonger, 1980. At pages 197-200, the book reprinted a secret cable from August 1975 by Australian Ambassador to Indonesia Richard Woolcott, which stated in part:

We are all aware of the Australian defense interest in the Portuguese Timor situation but I wonder whether the Department has ascertained the interest of the Minister of the Department of Minerals and Energy in the Timor situation. . . . The present gap in the agreed sea border . . . could be much more readily negotiated with Indonesia . . . than with Portugal or an independent Portuguese Timor. I know I am recommending a pragmatic rather than a principled stand but that is what national interest and foreign policy is all about.

46. Chomsky comments on the original East Timor activists (*Towards A New Cold War: Essays on the Current Crisis and How We Got There*, New York: Pantheon, 1982, p. 366):

In the United States the numbers were so few that it would not have been difficult to list the names: Arnold Kohen, Richard Franke, Sue Nichterlein, Roberta Quance, Michael Chamberlin, Jeremy Mark, and a handful of others, several of them at Cornell University, where they had the support of Professor Benedict Anderson. This tiny group deserves full credit for the fact that there is any awareness at all of the Timor tragedy and the U.S. role in it in the United States, for the fact that the story did finally break through and reached the press and Congress and large parts of the loosely structured "peace movement." They also deserve credit for the fact that some international relief did finally reach the silently suffering people of East Timor, saving tens of thousands of lives.

47. For the very thin trickle of reporting in the U.S. on the East Timor occupation by 1979-80 -- well after the major atrocities had taken place -- see Morton Kondracke, "Another Cambodia, With Uncle Sam in a supporting role," *New Republic*, November 3, 1979, pp. 13-16 (a generally accurate article signed by the magazine's editor); Editorial, "An Unjust War in East Timor," *New York Times*, December 24, 1979, p. A14 (a strong editorial, the *Times's* first condemnation of the war since 1975; noting that "Although most of the weapons of suppression are American-made, Washington has muted its concern for the familiar pragmatic reasons. . . . American silence about East Timor contrasts oddly with the indignation over Cambodia; the suffering is great in both places"); Robert Levey, "Power play cripples E. Timor," *Boston Globe*, January 20, 1980, p. 39 (to that date, the most accurate and comprehensive account by a professional U.S. journalist).

48. On Clinton's circumvention of the Congressional military training ban, see for example, Reuters, "Indonesia Military Allowed To Obtain Training in U.S.," *New York Times*, December 8, 1993, p. A14. This three-paragraph article, at the bottom of an inside page, reports:

The Administration acknowledged today [i.e. the dateline is December 7] that it is letting Indonesians obtain military training in the United States despite objections from Congress. . . . The State Department said today, "Congress's action did not ban Indonesia's purchase of training with its own funds, but rather cut off United States funding for possible training."

Irene Wu, "Clinton clashes with Congress on Indonesian policy," *Far Eastern Economic Review*, June 30, 1994, p. 18. An excerpt:

The administration has been skirting the aid ban by letting Indonesia pay for I.M.E.T. [International Military Education and Training], a programme usually supplied free to developing countries. . . . [T]he House Appropriations Committee said it was "outraged" that the new administration, despite its vocal embrace of human rights, decided to provide training to the Indonesian military for a fee. "It was and is the intent of Congress to prohibit U.S. military training for Indonesia," the committee declared.

49. The two American journalists who were attacked in the Dili Massacre were Amy Goodman of W.B.A.I. (New York) community radio and Allan Nairn. Nairn testified

about the massacre before the U.N. Special Committee on Decolonization on July 27, 1992, as follows:

As the mass broke up people assembled on the street. By the time it reached the cemetery the crowd had grown quite large. There were perhaps three thousand to five thousand people. Some filed in toward Sebastiao's grave, and many others remained outside, hemmed in on the street by cemetery walls. Then, looking to our right, we saw, coming down the road, a long, slowly marching column of uniformed troops. They were dressed in dark brown, moving in disciplined formation, and they held M-16s before them as they marched. As the column kept advancing, seemingly without end, people gasped and began to shuffle back. I went with Amy Goodman of W.B.A.I./Pacifica radio and stood on the corner between the soldiers and the Timorese. We thought that if the Indonesian force saw that foreigners were there, they would hold back and not attack the crowd. But as we stood there watching as the soldiers marched into our face, the inconceivable thing began to happen. The soldiers rounded the corner, never breaking stride, raised their rifles and fired in unison into the crowd.

People fell, stunned and shivering, bleeding in the road, and the Indonesian soldiers kept on shooting. I saw the soldiers aiming and shooting people in the back, leaping bodies to hunt down those who were still standing. They executed school-girls, young men, old Timorese, the street was wet with blood and the bodies were everywhere. As the soldiers were doing this they were beating me and Amy; they took our cameras and our tape recorders and grabbed Amy by the hair and punched and kicked her in the face and in the stomach. When I put my body over her, they focused on my head. They fractured my skull with the butts of their M-16s. This was, purely and simply, a deliberate mass murder, a massacre of unarmed, defenseless people. There was no provocation, no stones were thrown, the crowd was quiet and shrinking back as the shooting began. There was no confrontation, no hot-head who got out of hand. This was not an ambiguous situation that somehow spiraled out of control. It was quite evident from the way the soldiers behaved that they marched up with orders to commit a massacre.

50. On Indonesia's public relations cover-up and propaganda, see for example, John Pilger, "Inside the ministry of propaganda," *New Statesman & Society* (U.K.), April 29, 1994, p. 16. An excerpt:

[According to the *Far Eastern Economic Review*, the] American public relations giant Burson Marsteller, which the [Indonesian] regime hired following the massacre in the Santa Cruz cemetery on 12 November 1991 . . . [received a contract] "worth \$5 million and [its addition to the Indonesian team] signals a change from a passive posture to a more forceful, sophisticated approach."

John Pilger, "Torture under a mountain of propaganda," Letter, *Guardian* (U.K.), April 19, 1994, p. 25. Pilger recounts some of Indonesia's other P.R. tactics:

Helped by the world's biggest public relations firm in Washington, and, among others, the British Foreign Office, the [Indonesian] regime has distributed a mountain of propaganda material. . . . One of Jakarta's tactics has been to run highly restricted press tours to Dili, the East Timorese capital. . . . [C]urrently the regime's big lie (as featured in the News from Indonesia pack received by every member of the British and Australian parliaments, as well as the U.N. General Assembly) . . . [is its boast] of the material "development" that Jakarta claims to have brought to East Timor. . . . When my colleagues and I traveled secretly and extensively in East Timor, the evidence of our eyes was that the "development" was strategic and aimed at

controlling the population in military zones. As the recent research of the Indonesian academic, Dr. George Aditjondro, makes clear, the infrastructure in the territory, "particularly roads, bridges and harbours," is concentrated in areas where the military feels threatened by the East Timorese resistance, while in relatively peaceful regions, like Maliana and Ermara, the roads are deplorable and there are hardly any bridges. . . . As we found, community facilities, such as clinics, are primitive, if they exist at all, and the health of people away from foreign eyes is often shocking.

51. For the *Boston Globe's* article, see Brian McGrory, "Indonesian general, facing suit, flees Boston," *Boston Globe*, November 12, 1992, p. 52. An excerpt:

An Indonesian general accused of contributing to the deaths of as many as 200,000 people has fled the Boston area after being sued by family members of a victim. . . . Although the Indonesian press and others in Indonesia have said [General Sintong] Panjaitan came to Boston to take business classes at Harvard, officials at Harvard say they have no record that he attended school there.

52. Appellate courts have held that under the Alien Tort Claims Act, enacted by the First U.S. Congress, "whenever an alleged torturer is found and served with process by an alien within [U.S.] borders" there is federal jurisdiction, since "deliberate torture perpetrated under color of official authority violates universally accepted norms of the international law of human rights." In addition, the Torture Victims Protection Act and a Federal anti-torture criminal law also can be used to punish torturers present in the United States. On these matters, see for example, *Filartiga v. Pena-Irala*, 630 F.2d 876, 878 (2d Cir. 1980); *Kadic v. Karadzic*, 70 F.3d 232, 243 (2d Cir. 1995); 28 U.S.C. §1350; 18 U.S.C. §2340.

53. For the decision against the Indonesian General, see *Todd v. Panjaitan*, 1994 W.L. 827111 (D. Mass., October 26, 1994; unreported decision available on the Westlaw database)("the court having considered plaintiff's submissions regarding damages, as well as the impressive and painful testimony of Allan Nairn, Constancio Pinto and Helen Todd," awarded plaintiff \$4 million in compensatory and \$10 million in punitive damages).

See also, Lewa Pardomuan, "Indonesian general says court verdict a 'joke'," *Reuters World Service*, October 28, 1994 (available on Nexis database)(defendant Sintong Panjaitan told Reuters: "Just assume it is a joke").

54. For the decision against the Guatemalan General, see *Xuncax v. Gramajo*, 886 F. Supp. 162 (D. Mass. 1995)("defendant violated international law by summary execution or 'disappearance' of plaintiffs' relatives and by torture, arbitrary detention, and cruel, inhuman and degrading treatment"; finding that, at a minimum, defendant was aware of and supported widespread acts of brutality committed by personnel under his command, and there was evidence that he devised and directed the implementation of an indiscriminate campaign of terror against civilians such as plaintiffs and their relatives).

See also, Judy Rakowsky, "Ex-Guatemala general, tied to abuses, loses a \$47m U.S. suit," *Boston Globe*, April 13, 1995, p. 2. An excerpt:

A federal judge in Boston yesterday ordered the retired defense minister of Guatemala to pay \$47 million in damages to nine Guatemalans and an American nun

for atrocities they suffered at the hands of army soldiers, including torture and rape. Gen. Hector Gramajo . . . was served with two lawsuits at his commencement at Harvard University's Kennedy School of Government in 1991. . . .

[I]n a telephone interview from Guatemala, Gramajo said that he believes he was "framed" and that the court decision is timed to damage his bid for the presidency of his country. . . . Among the plaintiffs was Dianna Ortiz, an American Ursuline nun who was kidnapped from a village where she worked with children and repeatedly interrogated and raped by Guatemalan soldiers. After Ortiz escaped to the United States, Gramajo publicly dismissed the 100 cigarette burns on her body as a fabrication and the rapes as the acts of a spurned lover.

"Guatemala: U.S. court issues default judgment against Gramajo," *Central America Report* (Guatemala City, Guatemala: Inforpress Centroamericana), Vol. XVIII, No. 45, November 22, 1991, p. 347. An excerpt:

According to the Washington-based human rights group AMERICAS WATCH, a prestigious degree from Harvard's Public Policy and Management Program seems to be the State Department's way of grooming Gramajo for the 1995 presidential elections in Guatemala. "He's definitely their boy down there," said a U.S. Senate staffer who asked not to be identified.

[U.S. journalist Allan] Nairn insists that Harvard must have known about Gramajo's record before they offered him a scholarship: "Harvard as an institution would have to know exactly who he is. . . . If they can read, they will know that they awarded their Mason Fellowship to one of the most significant mass-murderers in the Western Hemisphere. . . ." [M]embers of the armed forces who served under Gramajo's command admitted that his orders to them were to "identify and assassinate" civilians, and to give the message that "If you're with us, we'll feed you. If you're not, we'll kill you."

For more on Gramajo, see for example, Kenneth Freed, "U.S. Is Taking a New Tack in Guatemala Diplomacy: American officials are turning to the military to help achieve stability and to gain help in the war," *Los Angeles Times*, May 7, 1990, p. 7. An excerpt:

Gen. Hector Alejandro Gramajo was a senior commander in the early 1980s, when the Guatemalan military was blamed for the deaths of tens of thousands of people, largely civilians, in a campaign against leftist guerrillas and their suspected supporters. But he is seen as a moderate by the U.S. embassy. . . . Washington's tolerance of Gramajo, or its need for him, evidently outweighs its repugnance at Latin America's highest level of human rights violations by government security forces or their allies. So-called death squads are blamed for the killings or disappearances of more than 50 people a month.

"I don't think Gramajo is promoting all these killings," a Western diplomat said, "but whenever he senses that the left is trying to organize, he permits, if not orders, hard action against them. He certainly doesn't root out any offenders. . . ." Gramajo will leave office in June, and he has said he intends to attend Harvard University's Kennedy School of Government in the fall.

Before the Harvard grooming took effect, Gramajo described his role ("Let The Trials Begin," *Economist* (London), July 20, 1991, p. 44):

As defense minister, [Gramajo] put down two coups before going last year to the Kennedy School of Government at Harvard, where he explained his doctrinal innovations to the *Harvard International Review*: "We have created a more humanitarian, less costly strategy, to be more compatible with the democratic

system. We instituted civil affairs [in 1982] which provides development for 70% of the population, while we kill 30%. Before, the strategy was to kill 100%."

The killing, indeed, continues. Last year there were 304 political murders of civilians and 233 disappearances, according to the official ombudsman for human rights. This year the figure is likely to be higher. The killings are selective, designed to spread fear. The victims are human-rights activists, trade unionists in Guatemala City, politicians who are vaguely left of centre, or Indian farmers who refuse, as is their constitutional right, to join the civil patrols.

Later, Gramajo offered a sanitized version of this interview (Shelly Emling, "Guatemala's Possible Future President," *Washington Post*, January 6, 1992, p. A13):

[Gramajo's] house is decorated with ceramic Santas, pictures of his family, and piles of worn Graham Greene books. In Gramajo's study, a pile of books autographed by his influential friends in Washington illustrates his close ties to the United States. . . . Gramajo, a recent graduate of Harvard's John F. Kennedy School of Government, likes to play tennis, help his wife in the kitchen, and preach the benefits of democracy. But Gramajo is also the man denounced by human rights groups, having been in charge of all military operations in the western highlands during the mid-1980s, one of the darkest and most violent periods of the country's 31-year-old civil war. . . .

"What I said [to the Harvard *International Review*] was that we never renounced or have never given up the cohesive force of the military. Use of force is the military's nature," Gramajo said in a recent interview. "If we were chocolate makers, we'd be making chocolate." He added, "The effort of the government was to be 70 percent in development and 30 percent in the war effort. I was not referring to the people, just the effort."

See also footnote 13 of chapter 1 of *U.P.*

55. For the Indonesian Foreign Minister's phrase, see for example, Editorial, "Indonesia's Pebble," *Wall Street Journal*, November 17, 1994, p. A24. For illustrations of how popular activism in the West turned East Timor into "a piece of gravel" in the Indonesian rulers' shoe, see for example, John Pilger, "The rising of Indonesia," *New Statesman & Society* (U.K.), June 16, 1995, pp. 14-15. An excerpt:

Suharto's recent, disastrous trip to Germany has left him virtually friendless in Europe, with of course the exception of Britain. Governments do business with him, but they don't want his presence, a remarkable situation for the head of the Non-Aligned Movement [at the U.N.].

In Weimar, the city council voted to call off his visit; in Hanover, the Lord Mayor attacked him in a speech given in his presence; in Dresden, angry crowds virtually held him hostage, encircling his bus and plastering it with "Free East Timor! Suharto Murderer!" signs. During this siege, Indonesian foreign minister Ali Alatas became apoplectic and entertained the crowd with obscene gestures. A photograph of Alatas giving the finger, reproduced on the next page, says much about the regime's deepening frustration and humiliation. In the past, Alatas has cultivated an image of urbanity and reasonableness, even turning up at the World Conference on Human Rights at Vienna in 1993 with his very own "collected speeches on human rights" in a glossy folder. Then, no delegate raised the question of his regime's well-documented genocide in East Timor. Today, he would not get away with it.

56. On Britain and Australia picking up any slack in arms sales to Indonesia, see for example, Michael Durham and Hugh O'Shaughnessy, "Exclusive: U.K. In Secret

Pounds 2Bn Arms Bid," *Observer* (London), November 13, 1994, p. 1 (on British plans for a "huge arms deal" with Indonesia); Editorial, "Rifles to Indonesia makes sense," *Australian* (Sydney), January 17, 1995 (on Australia's decision to sell military rifles to Indonesia); Dr. Peter Carey [Oxford University historian], "Arms and the Businessmen," Letter, *Guardian Weekly* (U.K.), July 12, 1992, p. 18 (on a British Aerospace/Rolls Royce deal to supply Indonesia with 40 Hawk fighter-trainers).

57. On the Aditjondro story, see for example, John Pilger, "A voice that shames those silent on Timor," *New Statesman & Society* (U.K.), April 8, 1994, p. 16. An excerpt:

George Aditjondro, an Indonesian academic, risked his livelihood, and possibly his life, to speak out about East Timor, to "take off the veil of secrecy," as he later told me. . . . Within days, Aditjondro's house was attacked by stone-throwing thugs, and his university has come under pressure to sack him. It is not difficult to understand why. On 16 March, Aditjondro released two academic papers, written after more than 20 years of research. Entitled "In the Shadow of Mount Ramelau" and "From Memo to Tutuaka," they represent one of the most comprehensive analyses of the effects of Indonesia's attempts to "integrate" East Timor. . . .

The Aditjondro papers support the estimate of human-rights organizations that at least 200,000 people, or a third of the East Timorese population, have died under the Indonesian occupation. In a telephone interview from his home in Java, he told me that 200,000 was a "moderate estimate." In his research, he quotes a figure of 60,000 East Timorese killed in the first two months of the occupation -- 10 per cent of the population. "The death toll," he writes, "quickly escalated during the succeeding years. During the first three years of the war, the population in the territory fell from 688,771 in 1974 to 329,271 in October 1978. What happened to the shortfall of 359,500 people? About 4,000 went into exile. . . . A large number were forced to flee or went voluntarily into the forests . . . . But anecdotal accounts point to an exceedingly high death toll. . . . Aditjondro's source for the figure of 271 [killed in the Dili Massacre in 1991] . . . comes from Timorese research rigorously cross-checked by the Lisbon-based human rights organisation Peace Is Possible in East Timor. The research lists the names and addresses of each one of the murder victims. . . .

Within two months of the Dili massacre . . . the Australian government oversaw the awarding of 11 contracts [to exploit Timorese oil] under the Timor Gap treaty. Signed in 1989 by [Australian Foreign Minister Gareth] Evans and his Indonesian counterpart, Ali Alatas, flying over the mass graves of East Timor and toasting each other in champagne, the treaty allows Australians and other foreign companies to exploit the gas and oil reserves off East Timor which, says Evans, could bring in "zillions" of dollars.

See also, George Aditjondro, *In the Shadow of Mount Ramelau: The Impact of the Occupation of East Timor*, Leiden, the Netherlands: Indonesian Documentation and Information Centre, 1994. The research actually was reported in Perth by the *West Australian*.

58. Aditjondro finally sought refuge in Australia. See Adam Schwarz, "Running for Cover: Dissident seeks asylum in Australia," *Far Eastern Economic Review*, June 29, 1995, p. 29. An excerpt:

Indonesia's current political climate has proved too hot for prominent dissident George Aditjondro. A former lecturer at Satya Wacana Christian University in

Salatiga, Central Java, he says he intends to seek permanent residence status in Australia, where he's currently on a six-month university fellowship.

Aditjondro, who faces probable prosecution in Indonesia for allegedly insulting a government body, says he can't expect a fair trial at home. . . . Aditjondro says he "has tried for many years to work within the system. That's why I know it doesn't work. I've become more aware of how people have been co-opted by the government and I think I can better continue the struggle from abroad."

59. On labor unrest in Indonesia before the popular rebellions of 1998 which led to Suharto's abdication, see for example, Jeremy Seabrook, "Indonesian workers risk freedom for rights," *Guardian Weekly* (U.K.), October 14, 1994, p. 15; John Pilger, "The rising of Indonesia," *New Statesman & Society* (U.K.), June 16, 1995, pp. 14-15. See also, Dan LaBotz, *Made In Indonesia: Indonesian Workers Since Suharto*, Cambridge, MA: South End, 2001.

60. By May 1998, dissent among students in Indonesia had developed to the point that students led weeks of demonstrations and protests which ultimately forced the dictator Suharto to abdicate. See for example, Seth Mydans, "Suharto, Besieged, Steps Down After 32-Year Rule In Indonesia," *New York Times*, May 21, 1998, p. A1. On increasing awareness among Indonesian students about the East Timor issue in the preceding years, see for example, George J. Aditjondro, *In the Shadow of Mount Ramelau: The Impact of the Occupation of East Timor*, Leiden, the Netherlands: Indonesian Documentation and Information Centre, 1994, p. 83.

61. On Indonesia's withdrawal of the U.N. resolution under Western pressure, see for example, John Pilger, "True Brits, true to mass murderers," *New Statesman & Society* (U.K.), June 3, 1994, p. 14.

On the World Court's subsequent ruling, see for example, Reuters, "World Court Condemns Use of Nuclear Weapons," *New York Times*, July 9, 1996, p. A8. An excerpt: By a narrow margin, the International Court of Justice advised today that the use or threat of nuclear weapons, "the ultimate evil," should be outlawed. But it could not decide whether they should be banned in self-defense. The World Health Organization and the United Nations General Assembly had asked the court for an advisory opinion on whether international law permits the threat or use of nuclear weapons. . . . Among the nuclear powers, the United States, France and Russia urged the court to reject the request, saying nuclear weapons were vital for global security.

62. On U.S. nuclear threats against North Korea as late as the 1960s, see for example, Jon Halliday and Bruce Cumings, *Korea: The Unknown War*, New York: Viking, 1988. An excerpt (pp. 216, 215, 217):

In 1969, within a few months of Nixon's taking office as President, the North Koreans shot down a U.S. plane, killing all thirty-one people on board. Nixon and Kissinger at first recommended dropping a nuclear bomb on the North but later backed off. . . .

There are currently approximately 41,000 U.S. military personnel in South Korea, with nuclear weapons. South Korea is the only place in the world where nuclear weapons are used to deter a non-nuclear force. . . . Each year U.S. and South Korean forces carry out joint military manoeuvres known as "Operation Team Spirit,"

which last over two months. They have grown from fewer than 50,000 troops to well over 200,000 and are the second largest military manoeuvres anywhere in the world, involving planning for nuclear war and amphibious landings. The North says that they are an obstacle to negotiations.

The U.S. government also actively and publicly considered using nuclear weapons against North Korea during the Korean War (pp. 88-89, 121, 123). See also, Bruce Cumings, *Korea's Place in the Sun: A Modern History*, New York: Norton, 1997, pp. 477-482, 289-293.

On U.S. development of biological weapons, as well as its possible use of them in North Korea and China, see Stephen Endicott and Edward Hagerman, *The United States and Biological Warfare: Secrets from the Early Cold War and Korea*, Bloomington: Indiana University Press, 1998, especially chs. 3, 8 to 12 (documenting how the U.S. took over the hideous biological warfare operations of the Japanese Fascists after World War II -- including the personnel, who were protected from war crimes prosecution -- then integrated their work into U.S. war plans by 1949).

63. On bombing of dikes being a war crime, see for example, Gabriel Kolko, "Report on the Destruction of Dikes: Holland, 1944-45 and Korea, 1953," in John Duffett, ed., *Against the Crime of Silence: Proceedings of the Russell International War Crimes Tribunal*, New York: O'Hare Books, 1968, pp. 224-226. Before describing U.S. bombing of dikes in Korea, the author notes the Western powers' own classification of that act as a war crime:

During the final months of the Second World War the Nazis exposed the Dutch civilian population to a form of war crime the United States and English Governments especially designated as crimes against humanity. To prevent the advance of Anglo-American troops, the German High Commissioner in Holland, Seyss-Inquart, opened the dikes and by the end of 1944 flooded approximately 500,000 acres of land. The result was a major disorganization of the Dutch economy and the most precipitous decline in food consumption any West European country suffered during the war. . . . Of the 185 Nazis indicted at Nuremberg only 24 were sentenced to death. Seyss-Inquart was one of the 24. His crime was considered to be one of the most monstrous of the Second World War, and prominent among the charges against him at Nuremberg.

See also, Jon Halliday and Bruce Cumings, *Korea: The Unknown War*, New York: Viking, 1988, pp. 195-196 ("The U.S.A. initially chose five dams near Pyongyang that supplied water for the irrigation system of the area that produced three-quarters of the country's rice. . . . The last time an act of this kind had been carried out, which was by the Nazis in Holland in 1944, it had been deemed a war crime at Nuremberg").

64. For official Air Force accounts of dike-bombings in the Korean War, see Robert Frank Futrell, *The United States Air Force in Korea, 1950-53* (Revised Edition), Washington: United States Air Force, Office of Air Force History, 1983. An excerpt (pp. 666-669):

In order to test the feasibility of the endeavor and develop attack techniques, General Weyland directed the Fifth Air Force to breach the Toksan dam. . . . On 13 May [1953] four waves of 59 Thunderjets of the 58th Wing attacked the 2,300-foot earth-and-stone dam. At last light the dam seemed to have withstood the 1,000 pound bombs directed against it. Sometime that night, however, impounded waters broke through the weakened dam, and fighter-bombers found the reservoir empty the

next morning. "The damage done by the deluge," reported the Fifth Air Force, "far exceeded the hopes of everyone." The swirling floodwaters washed out or damaged approximately six miles of embankment and five bridges on the important "George" railway and also destroyed two miles of the main north-south highway which paralleled the railroad. Down the river valley the floodwaters destroyed 700 buildings and inundated Sunan Airfield. The floodwaters also scoured five square miles of prime rice crops. "The breaching of the Toksam dam," General Clark jubilantly informed the Joint Chiefs, "has been as effective as weeks of rail interdiction."

With one of the two main railway lines into Pyongyang unserviceable, General Weyland immediately scheduled two more dams for destruction in order to interdict the "Fox" rail line. He assigned the Chasan dam to the Fifth Air Force and the Kuwonga dam to Bomber Command. The Fifth Air Force commenced work promptly. . . . The last wave of the fighter-bombers scored a cluster of five direct hits and the hydraulic pressure of other bombs bursting in the water broke the weakened dam. Impounded waters surged southward to wash away 2,050 feet of embankment and three bridges on the "Fox" rail line. The parallel highway suffered slight damage, but secondary roads were washed out. The onrushing waters surged over field after field of young rice. . . .

At the end of the Korean fighting General Weyland remarked that two particular fighter-bomber strikes stood out "as spectacular on their own merit." One was the hydroelectric attack of June 1952, and the other -- "perhaps the most spectacular of the war" -- was the destruction on the Toksan and Chasan irrigation dams in May 1953. Although they displayed their usual fantastic rapidity in restoring rail lines, the Communists did not get the "Fox" and "George" lines back into service until 26 May. To the average Oriental, moreover, an empty rice bowl symbolizes starvation, and vitriolic Red propaganda broadcasts which followed the destruction of the irrigation dams showed that the enemy was deeply impressed.

Quarterly Review Staff Study, "The Attack on the Irrigation Dams in North Korea," *Air University Quarterly Review* (Air University, Maxwell Air Force Base, Alabama), Vol. 6, No. 4, Winter 1953-54, pp. 40-61. An excerpt:

On 13 May 1953 twenty USAF F-84 fighter-bombers swooped down in three successive waves over Toksan irrigation dam in North Korea. From an altitude of 300 feet they skip-bombed their loads of high explosives into the hard-packed earthen walls of the dam. The subsequent flash flood scooped clean 27 miles of valley below, and the plunging flood waters wiped out large segments of a main north-south communication and supply route to the front lines. The Toksan strike and similar attacks on the Chasan, Kuwonga, Kusong, and Toksang dams accounted for five of the more than twenty irrigation dams targeted for possible attack -- dams upstream from all the important enemy supply routes and furnishing 75 percent of the controlled water supply for North Korea's rice production.

The study then remarks about these dike-bombing atrocities:

These strikes . . . sent the Communist military leaders and political commissars scurrying to their press and radio centers to blare to the world the most severe, hate-filled harangues to come from the Communist propaganda mill in the three years of warfare. . . . To the U.N. Command the breaking of the irrigation dams meant disruption of the enemy's lines of communication and supply. But to the Communists the smashing of the dams meant primarily the destruction of their chief sustenance -- rice. The Westerner can little conceive the awesome meaning which the loss of this stable food commodity has for the Asian -- starvation and slow death. "Rice famine," for centuries the chronic scourge of the Orient, is more feared than the deadliest

plague. Hence the show of rage, the flare of violent tempers, and the avowed threats of reprisals when bombs fell on five irrigation dams. . . .

Attacks on the precious water supply had struck where it hurts the most. The enemy could sustain steady attrition of war materials inflicted by the USAF day-and-night interdiction program, so long as at least a minimum quantity arrived at the static battle front. He could stand the loss of industry, so long as the loss was offset by procurement from Manchuria and Soviet Russia. He could sustain great loss of human life, for life is plentiful and apparently cheap in the Orient. But the extensive destruction and flood damage to his two main rail lines into Pyongyang was a critical blow to his transport capabilities . . . [and] the impact was further compounded by the coincidental flood damage to large areas of agricultural lands, which seriously threatened his basic source of military food supply.

For more on Korea's utter devastation by the U.S., see for example, Bruce Cumings, *Korea's Place in the Sun: A Modern History*, New York: Norton, 1997, ch. 5, especially pp. 289-298; Jon Halliday and Bruce Cumings, *Korea: The Unknown War*, New York: Viking, 1988. An excerpt (pp. 115, 118, 144, 172):

From early November 1950 onwards [U.S. General] MacArthur ordered that a wasteland be created between the front and the Chinese border, destroying from the air every "installation, factory, city, and village" over thousands of square miles of North Korean territory. On 8 November seventy B-29s dropped 550 tons of incendiary bombs on Sinuiju, "removing [it] from off the map"; a week later Hoeryong was hit with napalm "to burn out the place"; by 25 November "a large part of [the] North West area between Yalu river and southwards to enemy lines . . . [was] more or less burning." Soon the area would be a "wilderness of scorched earth. . . ."

We may leave as an epitaph for this genocidal air war the views of its architect, General Curtis LeMay. After the war started, he said: "We slipped a note kind of under the door into the Pentagon and said, 'Look, let us go up there . . . and burn down five of the biggest towns in North Korea -- and they're not very big -- and that ought to stop it.' Well, the answer to that was four or five screams -- 'You'll kill a lot of non-combatants,' and 'It's too horrible.' Yet over a period of three years or so . . . we burned down every (sic) town in North Korea and South Korea, too. . . ." The U.S.A. had complete control of the air: everyone and everything that moved was subjected to constant bombing and strafing. People could move only at night, which was also the only time when repairs could be carried out to bridges, railways and roads -- all made far more dangerous by delayed-action bombs. . . . By 1952 just about everything in North and central Korea was completely levelled.

65. On treatment of enemy prisoners in the Korean War, see for example, Jon Halliday and Bruce Cumings, *Korea: The Unknown War*, New York: Viking, 1988. An excerpt (pp. 176-179, 92):

[Commander of U.N. Forces Matthew] Ridgway's headquarters revealed that by the end of 1951 6,600 P.O.W.s had died in U.N. custody. The announcement stated that the 6,600 deaths resulted *primarily* (authors' emphasis) from the poor physical condition of the prisoners when they arrived at U.N. camps. Many deaths were from starvation; others were due to lack of medical treatment; many were the result of violence. . . . The way in which the camps were administered played a significant role. The U.S.A. assigned most of the guard duty to South Koreans, while encouraging anti-communist prisoners and agents to hold positions of power. . . . According to Western sources, the guards often just killed prisoners. Many P.O.W.s died even before they got to the camps. . . .

U.S. documents of the time show that there was what one State Department official called a "reign of terror" in the camps -- and that senior U.S. officials knew this. U.S. Ambassador Muccio later called the guards "Gestapos." According to the U.S.A.'s first chief negotiator at the peace talks, Admiral Joy, anyone who expressed a wish to return home was "either beaten black and blue *or killed* (authors' emphasis) . . . the majority of the P.O.W.s were too terrified to frankly express their choice." Joy wrote this in his diary. In public he gave quite a different impression. Violence was not the exclusive prerogative of the Koreans and Chinese. When the pro-communist P.O.W.s revolted during 1952 the U.S.A. instituted a "shoot-to-kill" policy. . . . U.N. troops later went in with tanks and flame-throwers and killed hundreds of P.O.W.s in different incidents. . . .

James Cameron of London's *Picture Post* wrote about what he termed "South Korean concentration camps" in Pusan in the late summer of 1950: "I had seen Belsen, but this was worse. This terrible mob of men -- convicted of nothing, un-tried, South Koreans in South Korea, suspected of being 'unreliable.' There were hundreds of them; they were skeletal, puppets of string, faces translucent grey, manacled to each other with chains, cringing in the classic Oriental attitude of subjection, the squatting foetal position, in piles of garbage. . . . Around this mediievally gruesome market-place were gathered a few knots of American soldiers photographing the scene with casual industry. . . . I took my indignation to the [U.N.] Commission, who said very civilly: 'Most disturbing, yes; but remember these are Asian people, with different standards of behaviour . . . all very difficult.' It was supine and indefensible compromise. I boiled, and I do not boil easily. We recorded the situation meticulously, in words and photographs. Within the year it nearly cost me my job, and my magazine its existence." *Picture Post* never published Cameron's story, causing a "mini-mutiny" on the magazine; shortly thereafter *Picture Post* "withered away, as it deserved."

Grotesque treatment of enemy prisoners also occurred in the Vietnam War. See for example, Citizens Commission of Inquiry, eds., *The Dellums Committee Hearing on War Crimes in Vietnam: An Inquiry into Command Responsibility in Southeast Asia*, New York: Vintage, 1972; Vietnam Veterans Against the War, eds., *The Winter Soldier Investigation: An Inquiry into American War Crimes*, Boston: Beacon, 1972; James Simon Kunen, *Standard Operating Procedure: Notes of A Draft-age American*, New York: Avon, 1971; David Thorne and George Butler, eds., *The New Soldier*, New York: Macmillan, 1971; James Duffett, ed., *Against the Crime of Silence, Proceedings of the Russell International War Crimes Tribunal*, New York: O'Hare Books (Bertrand Russell Peace Foundation), 1968, pp. 392-513 (testimony about torture of Vietnamese prisoners, Vietnamese prisoners being thrown out of helicopters, summary executions, rape of civilians, etc.).

66. For serious scholarship on the Korean War, see for example, Bruce Cumings, *The Origins of the Korean War*, Princeton: Princeton University Press, 2 volumes, 1981 and 1990. See also, Allen S. Whiting [former head of U.S. State Department Research Department], *China Crosses the Yalu: The Decision To Enter the Korean War*, New York: Macmillan, 1960 (study conducted under the auspices of the RAND Corporation and commissioned and paid for by the U.S. Air Force; documenting that, until the invasion of North Korea by U.S. troops, there had been no sign or suggestion that China might enter the war).

67. On the U.S. destruction of the indigenous nationalist movement in Korea in the 1940s, see for example, Bruce Cumings, *Korea's Place in the Sun: A Modern History*, New York: Norton, 1997, ch. 4, especially pp. 185-224; Jon Halliday and Bruce Cumings, *Korea: The Unknown War*, New York: Viking, 1988, especially pp. 10-48. An excerpt (pp. 10, 16, 19-20):

Because it came at the height of the Cold War, and because of near-complete ignorance of the internal forces playing upon Korean society, an entire literature treats the war as a bolt out of the blue in June 1950, with unknown or irrelevant antecedents. . . . Many Americans express surprise when they learn that U.S. involvement with Korea came well before 1950, in a three-year occupation (1945-8) in which Americans operated a full military government. . . .

An ostensible Korean government did exist within a few weeks of Japan's demise; its headquarters was in Seoul, and it was anchored in widespread "people's committees" in the countryside. But this Korean People's Republic (formed on 6 September 1945) was shunned by the Americans. . . . The American preference was for a group of conservative politicians who formed the Korean Democratic Party (K.D.P.) in September 1945, and so the occupation spent much of its first year dismantling the committees in the South, which culminated in a major rebellion in October 1946 that spread over several provinces. . . . Under American auspices Koreans captured the [Japanese] colonial government and used its extensive and penetrative apparatus to preserve the power and privilege of a traditional land-owning elite, long the ruling class of Korea but now tainted by its associations with the Japanese. The one reliable and effective agency of this restoration and reaction was the Korean National Police (K.N.P.). The effective opposition to this system was very broad and almost wholly on the left; a mass popular resistance from 1945 to 1950 mingled raw peasant protest with organized union activity and, finally, armed guerrilla resistance in the period 1948-50.

The authors then discuss the U.S.-organized suppression of the indigenous nationalist movement (pp. 38-40):

[A] rebellion at the port city of Yosu . . . soon spread to other counties in the southwest and south-east and . . . for a time, seemed to threaten the foundations of the fledgling republic. The cause of the uprising was refusal, on 19 October 1948, of elements of the 14th and 6th Regiments of the republic's Army to embark for a mission against the Cheju guerrillas [who were carrying out a popular uprising, which ultimately was suppressed with from 15,000 to 30,000 killed]. . . . Rhee and his American backers immediately charged that North Korea had fomented the rebellion, but it was, in fact, an outburst dating back to the frustrated goals of local leftists over the previous three years.

The authors note that the counter-revolution was directed by Americans through "secret protocols" which "placed operational control . . . in American hands." One of the American organizers of the suppression reported that police in one area were: "out for revenge and are executing prisoners and civilians . . . loyal civilians already killed and people beginning to think we (*sic*) are as bad as the enemy" (p. 40). Additionally, Halliday and Cummings point out (pp. 47-48):

There was little evidence of Soviet or North Korean support for the Southern guerrillas. . . . No Soviet weapons had ever been authenticated in South Korea except near the parallel; most guerrillas had Japanese and American arms. Another [U.S.] report found that the guerrillas "apparently receive little more than moral support from North Korea." The principal source of external involvement in the guerrilla war was, in fact, American.

See also, Bruce Cumings, *The Origins of the Korean War*, Vol. I ("Liberation and the Emergence of Separate Regimes, 1945-1947"), Princeton: Princeton University Press, 1981. An excerpt (pp. xxi, xxiv):

[I]mmediately after liberation [from Japan in 1945], within a three-month period . . . open fighting [began which] eventually claimed more than one hundred thousand lives in peasant rebellion, labor strife, guerrilla warfare, and open fighting along the thirty-eighth parallel -- all this before the ostensible Korean War began. In other words, the conflict was civil and revolutionary in character, beginning just after 1945 and proceeding through a dialectic of revolution and reaction. The opening of conventional battles in June 1950 only continued this war by other means. . . . From September through December 1945, the American Occupation made a series of critical decisions: it revived the Government-General bureaucracy and its Korean personnel; it revived the Japanese national police system and its Korean element; it inaugurated national defense forces for south Korea alone; and it moved toward a separate southern administration.

Gregory Henderson [U.S. diplomat who served in Korea during the 1940s and '50s], *Korea: The Politics of the Vortex*, Cambridge: Harvard University Press, 1968, p. 167 (estimating that "tens of thousands -- probably over 100,000 -- were killed without any trial whatsoever" by U.S.-backed Republic of Korea soldiers and the Counter-Intelligence Corps when these forces recaptured areas of leftist repute in the South). And see, Gabriel Kolko, *The Politics of War: The World and United States Foreign Policy, 1943-1945*, New York: Pantheon, 1968 (updated edition 1990), chs. 21 and 24.

68. For Hersh's book, see Seymour Hersh, *The Samson Option: Israel's Nuclear Arsenal and American Foreign Policy*, New York: Random House, 1991.

69. Judges 16:23-31.

70. On Israel's development of nuclear weapons, see for example, Avner Cohen, *Israel and the Bomb*, New York: Columbia University Press, 1998; Seymour Hersh, *The Samson Option: Israel's Nuclear Arsenal and American Foreign Policy*, New York: Random House, 1991; Andrew and Leslie Cockburn, *Dangerous Liaison: The Inside Story of the U.S.-Israeli Covert Relationship*, New York: HarperCollins, 1991, especially ch. 4; Mark Gaffney, *Dimona: the Third Temple?; The Story Behind the Vanunu Revelation*, Brattleboro, VT: Amana, 1989; Insight Team, "Revealed: the secrets of Israel's nuclear arsenal," *Sunday Times* (London), October 5, 1986, p. 1 (across-the-front-page banner headline, with two-page spread including photographs and diagrams, reporting the testimony of the Israeli nuclear technician Mordechai Vanunu, who disclosed the details of Israel's nuclear weapons program).

For examples of the way the U.S. press, particularly the *New York Times*, handled reports of Israel's nuclear capabilities over the years, compare the following: "Israel may have 20 nuclear arms, report says," *Boston Globe*, October 31, 1984, p. 5 (reporting a 1984 study by the Carnegie Endowment for International Peace's specialist on nuclear proliferation, Leonard Spector, identifying Israel as "by far the most advanced of eight 'emerging' nuclear powers, surpassing the nuclear capabilities of earlier contenders such as India and South Africa"); with Richard Halloran, "2 Nuclear Arms Races in Third World Feared," *New York Times*, October 31, 1984, p. A11 (the *New York Times*'s story

covering the Spector report: it mentions Israel once -- namely, as having helped to *reduce* the danger of nuclear proliferation by bombing an Iraqi nuclear reactor in 1981).

Similarly, compare A.P., "Report says Israel could 'level' cities," *Boston Globe*, February 25, 1987, p. 67 (reporting Spector's 1987 study on nuclear proliferation in the paper's Amusements section; quoting him as saying that Israel may have acquired enough nuclear weaponry "to level every urban center in the Middle East with a population of more than 100,000"); with Michael Gordon, "Libya's A-Bomb Effort Cited," *New York Times*, February 25, 1987, p. D23 (reporting Spector's study the same day as the previous *Boston Globe* article, but making no mention of Israel; the article instead opens by warning of Libyan efforts to acquire a nuclear capacity, then turns to suspicions about Pakistan, Iran, and India).

71. For discussions of the "Samson Complex" idea in Israel, see for example, Aryeh (Lova) Eliav, "Emil and the murderers," *Davar* (Israel), November 3, 1982; Yaakov Sharett, "A Great Danger is Coming," *Davar* (Israel), November 3, 1982 (mentioning the Samson Complex, and citing entries from Prime Minister Moshe Sharett's diaries in which Defense Minister Pinhas Lavon is quoted as saying "we will go crazy" -- "nishtagea" -- if crossed, and Labor Party official David Hacoen is quoted after the attack on Egypt in 1956 as telling Sharett, "we have nothing to lose so it is better that we go crazy; the world will know to what a level we have reached")(quotations are Chomsky's own translations).

Israeli Prime Minister Moshe Sharett also referred to an early expression of the "Samson Complex" in his personal diary on January 10, 1955. See Livia Rokach, *Israel's Sacred Terrorism: A Study Based on Moshe Sharett's Personal Diary and Other Documents*, Belmont, MA: Association of Arab-American University Graduates, 1986. Sharett's words (p. 36):

[Labor Party Defense Minister Pinhas] Lavon . . . has constantly preached for acts of madness and taught the army leadership the diabolic lesson of how to set the Middle East on fire, how to cause friction, cause bloody confrontations, sabotage targets and property of the Powers [and perform] acts of despair and suicide.

See also, David Hirst, *The Gun and the Olive Branch: The Roots of Violence in the Middle East*, London: Faber and Faber, 1977, pp. 454-456.

72. For the Israeli Labor Party press's report of Israel's warning, see Daniel Bloch, *Davar* (Israel), November 13, 1981. The August 1981 Saudi peace plan had called for a two-state settlement according to the 1967 borders, with recognition of the right of all states in the region to exist in peace.

73. For the Israeli strategic analysts' statement -- in English -- about Israel's nuclear capabilities, see Amos Perlmutter, Michael Handel and Uri Bar-Joseph, *Two Minutes Over Baghdad*, London: Vallentine, Mitchell and Co., 1982. An excerpt (p. 51):

Western intelligence sources estimated that the explosion in September 1979 [over the Indian Ocean at a height of 26,000 feet] was a joint experiment by the R.S.A. [Republic of South Africa] and Israel in one of the most advanced tactical nuclear systems known to be used anywhere in the world. . . . [T]here are indications that a common effort [of Israel, South Africa and Taiwan] is being made to develop a cruise missile with a 1,500 mile range. Such a missile launched from Israel could hit any target within the Arab world, while also covering many targets in southern U.S.S.R.

See also, Insight Team, "France admits it gave Israel A-bomb," *Sunday Times* (London), October 12, 1986, p. 1. The High Commissioner of the French Atomic Energy Agency from 1951 to 1970 (the period when France helped Israel to build its nuclear weapons plant at Dimona) observed:

We thought the Israeli bomb was aimed against the Americans, not to launch it against America but to say "if you don't want to help us in a critical situation we will require you to help us, otherwise we will use our nuclear bombs."

74. For the post-Cold War glossy document, see *National Security Strategy of the United States: 1990-1991*, The White House [George Bush credited as the author], March 1990 (also published as a book by Brassey's/Macmillan). The planners' exact words (pp. 47-48, 104, 55-56 of the Brassey's/Macmillan edition):

The Middle East is a vivid example, however, of a region in which, even as East-West tensions diminish, American strategic concerns remain. Threats to our interests -- including the security of Israel and moderate Arab states as well as the free flow of oil -- come from a variety of sources. In the 1980s, our military engagements -- in Lebanon in 1983-84, Libya in 1986, and the Persian Gulf in 1987-88 -- were in response to threats that could not be laid at the Kremlin's door. The necessity to defend our interests will continue. . . .

The growing technical sophistication of Third World conflicts will place serious demands on our forces. They must be able to respond quickly, and appropriately, as the application of even small amounts of power early in a crisis usually pays significant dividends. . . . In a new era, we foresee that our military power will remain an essential underpinning of the global balance, but less prominently and in different ways. We see that the more likely demands for the use of our military forces may not involve the Soviet Union and may be in the Third World, where new capabilities and approaches may be required. We see that we must look to our economic well-being as the foundation of our long-term strength.

For similar commentary, see Christopher Layne [senior fellow of the Cato Institute] and Benjamin Schwarz [international policy analyst at the RAND Corporation], "American Hegemony -- Without An Enemy," *Foreign Policy*, Fall 1993, pp. 5-23. An excerpt:

The U.S.S.R.'s demise has also forced the American foreign policy elite to be more candid in articulating the assumptions of American strategy. . . . [U]nderpinning U.S. world order strategy is the belief that America must maintain what is in essence a military protectorate in economically critical regions to ensure that America's vital trade and financial relations will not be disrupted by political upheaval. This kind of economically determined strategy articulated by the foreign policy elite ironically (perhaps unwittingly) embraces a quasi-Marxist or, more correctly, a Leninist interpretation of American foreign relations. Such views surprisingly echo the radical "open door school" view of American foreign policy advanced by William Appleman Williams and other left-wing historians. . . .

Rather than being the stimulus to peace that it is touted to be, economic interdependence -- and the need to protect America's stakes in it -- is invoked to justify a post-Cold War U.S. military presence in Europe and East Asia and military intervention in the Balkan conflict. . . . In effect, the foreign policy establishment has embraced the proposition that wars (or at least continuous preparations for war) are necessary for the American economy to prosper.

On the reasons why the U.S. military budget could not be dramatically reduced after the collapse of the Soviet Union, see chapter 2 of *U.P.* and its footnotes 4 and 5; and chapter 3 of *U.P.* and its footnotes 3, 4, 7, 8, 9 and 10.

75. On the U.S. being the biggest arms dealer to the Third World after the Cold War, see for example, Barry Schweid, "\$6b in arms sent to Mideast since May; Arms control group cites Pentagon data," *Boston Globe*, February 15, 1992, p. 3 ("Since 1989, U.S. arms exports to developing countries have increased by 138 percent," making the U.S. "the world's largest exporter of weapons to the developing world"); Robert Pear, "U.S. Sales of Arms to the Third World Declined by 22% Last Year," *New York Times*, July 21, 1992, p. A16 (quoting a Congressional Research Service report: "The United States, which surpassed the Soviet Union as the biggest supplier in 1990, accounted for 57% of all sales in 1991").

On total U.S. arms sales after the Cold War, see for example, Larry Korb [former Assistant Secretary of Defense], "U.S. Arms Industry Keeps on Rollin'," Op-Ed, *Christian Science Monitor*, January 30, 1992, p. 18 ("In 1989 American firms sold \$12 billion a year worth of defense goods around the world. The following year, foreign military sales jumped to \$18 billion. For 1991, they will come close to \$40 billion").

See also, Lawrence J. Korb, "The Readiness Gap. What Gap?," *New York Times Magazine*, February 26, 1995, p. 40. An excerpt:

Today, the United States spends more than six times as much on defense as its closest rival, and almost as much on national security as the rest of the world combined. In 1995, Bill Clinton will actually spend \$30 billion more on defense, in constant dollars, than Richard Nixon did 20 years ago and substantially more than his own Secretary of Defense argued was necessary in 1992. . . . [D]efense spending is at about 85 percent of its average cold war level.

Marc Breslow, "Budget-balancing nonsense: the GOP's contract with the devil," *Dollars and Sense*, March 1, 1995, p. 8. An excerpt:

As of 1993, the U.S. military budget was greater than that of the next ten highest spenders combined, all of whom are U.S. allies (if one includes Russia, whose budget is now only one-tenth of ours). Cutting the military in half would come close to eliminating the deficit, while still leaving us with more than three times the defense budget of Japan, our closest competitor.

Aaron Zitner, "Arms Across the Sea," *Boston Globe*, August 1, 1993, p. 77 (an aerospace industry analyst commented approvingly that, for the first time, the Secretary of Commerce was sent to the Paris Air Show and to potential Third World buyers such as Malaysia and Saudi Arabia, "hawking American fighter planes"). And see chapter 10 of *U.P.* and its footnote 23.

Chomsky adds that foreign arms sales also help to alleviate the balance-of-payments crisis: oil-exporter Saudi Arabia alone had \$30 billion in outstanding contracts with U.S. arms suppliers in mid-1993, part of a huge arms build-up that has undermined the economy of this super-rich country, recycling oil wealth to the West (primarily the United States) and not to the people of the region. On Saudi Arabia's purchases, see for example, Jeff Gerth et al., "Saudi Stability Hit by Heavy Spending Over Last Decade," *New York Times*, August 22, 1993, p. 1 (noting Saudi Arabia's "fundamental decision" to "put purchases of weapons first, and cut Saudi citizens' subsidies where necessary").

76. On the Lockheed-Martin propaganda, see Eyal Press, "G.O.P. 'Responsibility' On U.S. Arms Sales," Op-Ed, *Christian Science Monitor*, February 23, 1995, p. 19. An excerpt:

While Lockheed hawks the F-16 with one hand, it uses the other to lobby Congress to fund the F-22 advanced fighter, which the company claims is needed to keep America ahead of its competitors -- at a \$72 billion cost to taxpayers. The F-22 is not necessary for U.S. defense. A 1994 General Accounting Office report showed that current-generation planes could meet any foreseeable threat to U.S. forces. Still, last year Lockheed distributed a brochure on Capital Hill touting the need for the F-22 by highlighting the looming danger posed by the spread of advanced fighter-planes like the F-16 to foreign countries. As an official who helped produce the brochure says, "We've sold the F-16 all over the world; what if [a friend or ally] turns against us?"

See also, William D. Hartung, "The Speaker From Lockheed?," *Nation*, January 30, 1995, p. 124.

77. On prevention of development in the Occupied Territories, see for example, "Defence minister: Areas won't compete with our economy," *Jerusalem Post*, February 15, 1985, p. 1 (reporting Defense Minister Yitzhak Rabin's statement that "there will be no development [in the Territories] initiated by the government, and no permits will be given for expanding agriculture or industry [there], which may compete with the State of Israel"); David Richardson, "De facto dual society," *Jerusalem Post*, September 10, 1982, p. 7. An excerpt:

"The economy of the West Bank may be characterized as undeveloped, non-viable, stagnant and dependent. It is an auxiliary sector of both the Israeli and Jordanian economies," Benvenisti [the Former Deputy Mayor of Jerusalem] concludes. Twenty-five per cent of Israeli exports are sold via the West Bank, which is something of a captive market and the largest single market for Israeli manufactured goods. The industrial base of the area is undeveloped since there is no capital investment, no governmental investment in industrial infrastructure, no credit facilities or capital market, no protection from the import of Israeli goods, there are restrictions on exports to Jordan, and restrictions on the import of equipment and raw materials.

David Shipler, "Israel Changing Face of West Bank," *New York Times*, September 12, 1982, p. 1 (providing further details of Meron Benvenisti's research and conclusions about the lack of development in the West Bank); Julian Ozanne, "Gaza-Jericho Autonomy: Decades of neglect leave unemployment as the norm," *Financial Times* (London), May 5, 1994, p. 6. An excerpt:

The Palestinians will also need to reverse decades of Egyptian and Israeli neglect which have left Gaza's sewerage, water, roads, power, communications and housing in disrepair and chaos. The World Bank says the Israeli-run civil administration of the occupied territories for 27 years had an unusually low rate of investment, only 3 percent of gross domestic product. . . . Many of Gaza's problems are repeated in Jericho and the West Bank.

On the abysmal economic level of the Occupied Territories, see for example, Julian Ozanne, "The Middle East: Close links likely to remain in economic reconstruction -- Reversing the decline in occupied territories," *Financial Times* (London), September 1, 1993, p. 4. An excerpt:

The economy in the territories, however, is underdeveloped and depressed. Combined gross national product per capita of the 1.7m residents of the West Bank and Gaza in 1991 was Dollars 1,800 -- 16 per cent of Israel's Dollars 10,878. . . .

[The Occupied Territories] contribute less than 3 per cent of Israel's gross national product -- a figure that is declining with the substitution of immigrant labourers in the place of Palestinians. The Gaza economy -- which will be the initial focus of an expanded Palestinian authority -- is much the worst hit with income per head of less than Dollars 850. Gaza, a 360 sq. k.m. strip of land, is home to 780,000 Palestinians, many living in sprawling shanty refugee camps. . . . Unemployment is estimated at 40-50 per cent.

Anthony Coon, *Town Planning Under Military Occupation: An examination of the law and practice of town planning in the occupied West Bank*, Ramallah: Al-Haq, 1992, especially pp. 29-30. See also chapter 4 of *U.P.* and its footnote 59; and footnote 78 of this chapter.

78. On the development level of Jordan compared to that of the Occupied Territories, see for example, Danny Rubinstein, "Two Banks of the Jordan," *Ha'aretz* (Israel), February 13, 1995 (translated in Israel Shahak, *Translations from the Hebrew Press*, April 1995).

79. On the lawsuit about stolen wage deductions, see for example, Kav La'Oved, *Newsletter*, October 1995 (Justice Y. Bazak of the Jerusalem District Court issued his ruling dismissing the suit in May 1995); Rubik Rosenthal, *Ha'aretz* (Israel), February 25, 1994; Haim Gvirtzman, *Ha'aretz* (Israel), May 16, 1993; Interview, *Al Hamishmar* (Israel), March 12, 1993.

80. On the importance of the Occupied Territories' water to Israel, see chapter 4 of *U.P.* and its footnote 59.

81. For the *New York Times's* story saying that the peace process was "dead" following the 1996 Israeli election of Benjamin Netanyahu, see Steven Erlanger, "In Israel, Fears Decide Which Road Not to Travel," *New York Times*, June 2, 1996, section 4 (*Week in Review*), p. 1 ("With the narrow election of Benjamin Netanyahu as Israel's Prime Minister last week, the Arab-Israeli peace process that the Clinton Administration worked so hard to guide and manage is effectively dead").

82. For the article about Clinton in the Israeli press, see Nahum Barnea, "Clinton, the last Zionist," *Yediot Ahronot* (Israel), March 14, 1996 ("Bill Clinton is the first U.S. President who liberated himself from the attitude of the former Presidents, who at least pretended that their attitude toward Israel and the Arabs is 'balanced'")(title and quotation are Chomsky's own translations). See also, Donald Neff, "Clinton places U.S. policy at Israel's bidding," *Middle East International*, March 31, 1995, p. 16.

83. On the Clinton administration's new stance at the U.N. towards the Palestinian refugees and control of Jerusalem, see for example, Jules Kagian, "Rewriting resolutions," *Middle East International*, December 17, 1993, p. 10. An excerpt:

For the first time in 45 years, the United States has abandoned its support for the right of Palestinian refugees to return to their homeland as enshrined in Resolution 194, adopted by the General Assembly on 11 December 1949. The resolution was reaffirmed by the General Assembly on 8 December [1993] with 127 votes in favour, but Israel and the U.S. voted against it. . . .

From the outset of the current 48th session [of the U.N.], the U.S. delegation sought to eliminate, revise or defer many resolutions on the Middle East, claiming that the Declaration of Principles signed by Israel and the P.L.O. in Washington on 13 September 1993 required a change in "obsolete and anachronistic" resolutions. The U.S. delegation opposed references to "occupied territory, including Jerusalem," claiming they could be considered to prejudge the outcome of negotiations. The U.S. also refused to condemn Israel's settlement activity because it was "unproductive to debate the legalities of the issue. . . ." In the four resolutions on Israeli practices affecting the human rights of the Palestinian people, the Assembly deplored Israel. The U.S. is conducting a campaign to abolish the special committee [on Palestinian rights], which was described by the U.S. representative as "biased, superfluous and unnecessary."

Graham Usher, "Burying the Palestinians," *Middle East International*, January 6, 1995, pp. 4-5 (in both 1993 and 1994, the U.S. -- for the first time -- voted against all U.N. General Assembly resolutions pertaining to Palestinian refugees) .

On Clinton's position on control of Jerusalem, see also, Jules Kagian, "The U.N. abdicates its role," *Middle East International*, April 1, 1994, p. 4. Although previously the United States had always joined the world in referring to -- in the words of Resolution 694 of 1991, the most recent reiteration -- "all the Palestinian territories occupied by Israel since 1967, including Jerusalem," the Clinton administration reversed course at the U.N.:

U.S. Ambassador Albright said the U.S. could not support the description of the territories occupied during the 1967 war as "occupied Palestinian territory." [The Clinton administration] also opposed specific reference to Jerusalem [as part of the occupied territories], the status of which [Albright] said was to be addressed at a later stage of the peace process. . . . [T]he Palestinian observer at the U.N. . . . said that every single Council resolution on the Palestinian issue had contained language referring to Jerusalem as part of the occupied territories.

Paul Lewis, "U.N. Security Council Condemns the Hebron Slayings," *New York Times*, March 19, 1994, p. 6. An excerpt:

After three weeks of tortuous negotiations, the [U.N.] Security Council condemned the Hebron massacre [of a mosque full of Palestinians by an American-Jewish settler on February 25, 1994] today. But the United States strongly disavowed a suggestion in the Council's resolution [number 280] that Jerusalem was part of the Israeli-occupied territories. . . . [The U.S. abstained] on a paragraph that implies that Jerusalem is part of the occupied territories . . . [and a paragraph saying the massacre] underlines the need to provide protection and security for the Palestinian people. . . . The 14 other Council members voted in favor of every paragraph.

84. On the traditional "option" of Palestinians from the Occupied Territories working in Israel, see for example, Yigal Sarna, "Uncle Ahmed's Cabin," *Yediot Ahronot* (Israel), July 3, 1987 (discussing the "story of slavery" of the tens of thousands of unorganized Palestinian workers who come to Israel each day: "slaves, sub-citizens suspected of everything, who dwell under the floor tiles of Tel Aviv, locked up overnight in a hut in the citrus grove of a farm, near sewage dumps, in shelters that . . . serve rats only," or in underground parking stations or grocery stands in the market -- illegally, since they are not permitted to spend the night in Israel)(title and quotations are Chomsky's own translations); Ian Black, "Peace or no peace, Israel will still need cheap Arab labor," *New Statesman* (U.K.), September 29, 1978, pp. 403-404 (reporting on the

bands of Palestinian children, of whom "some are no more than six or seven years old," who work on Israeli settlements in and around the Occupied Territories). See also, Moshe Semyonov and Noah Lewin-Epstein, *Hewers of Wood and Drawers of Water: Noncitizen Arabs in the Israeli Labor Market*, Ithaca: Cornell University Press, 1987.

On the encouraged "option" of Palestinians "going somewhere else," see for example, Francis Offner, "Sketching Rabin's Plan for Peace," *Christian Science Monitor*, June 3, 1974, pp. 1, 6. Former Israeli Labor Party Prime Minister Yitzhak Rabin candidly explained:

"I would like to create in the course of the next 10 to 20 years conditions which would attract natural and voluntary migration of the [Palestinian] refugees from the Gaza Strip and the West Bank to East Jordan. To achieve this we have to come to agreement with King Hussein [of Jordan] and not with Yasser Arafat [P.L.O. leader]."

See also footnote 58 of chapter 4 of *U.P.*

85. On Israel's foreign workers, see for example, Yosef Elgazi, *Ha'aretz* (Israel), March 22, 1996; Hagar Enosh, *Yediot Ahronot* (Israel), April 2, 1996; Hanoach Marmari, *Ha'aretz* (Israel), March 9, 1995 [translated in Israel Shahak, *Translations from the Israeli Press*, April 1995]; Shlomo Abramovitch, "The Land of Opportunities," *Sheva Yamim* (Israel), March 3, 1995 [translated in Israel Shahak, *Translations from the Israeli Press*, April 1995]; Gay Ben Proat, *Ma'ariv* (Israel), February 9, 1996.

86. The principle about the Jewish vote in Israel being the only part that counts was stated succinctly by A. M. Rosenthal of the *New York Times* ("The Warp From Israel," *New York Times*, June 4, 1996, p. A15):

Arab Israelis, 12 percent of the electorate, voted for Mr. Peres [the incumbent Labor Party leader] virtually unanimously, narrowing the Netanyahu lead to 1 percent. Arab votes count legally as much as do Jewish votes, and should. Labor was able to put together its coalition in 1992 with Arab support. Israeli Jews did not contest that. But Israel was created to be not only democratic but a Jewish state whose fate and security were to be in Jewish hands, a truth that seems to embarrass the politically correct these days. Israeli Jews gave Mr. Netanyahu 60 percent of their ballots. In that critical political sense the election was not a squeaker but a landslide for Mr. Netanyahu.

87. Chomsky's stance on the P.L.O. and the Arab states of the Middle East -- despite common misrepresentations -- is long a matter of record. See for example, Noam Chomsky, *Peace in the Middle East? Reflections on Justice and Nationhood*, New York: Pantheon, 1974 (essay written in 1970-1972), pp. 99f, 108; Noam Chomsky, *Towards A New Cold War: Essays on the Current Crisis and How We Got There*, New York: Pantheon, 1982 (essay written in 1974), pp. 262, 430 n.2; Noam Chomsky, *Fateful Triangle: The United States, Israel and the Palestinians*, Boston: South End, 1983 (updated edition 1999), pp. 79, 164; Noam Chomsky, *Necessary Illusions: Thought Control in Democratic Societies*, Boston: South End, 1989, p. 404 n.85; and elsewhere.

88. For Yermiya's book, see Dov Yermiya, *My War Diary: Lebanon June 5 -- July 1, 1982*, Boston: South End, 1984 (first published in Hebrew as *Yoman Hamilchama Sheli*, Jerusalem: Mifras Publishing House, 1983).

89. On popular opposition to Arafat among Palestinians before the Oslo Accords, see for example, Lamis Andoni, "Arafat and the P.L.O. in crisis," *Middle East International*, August 20, 1993, p. 3. An excerpt:

The P.L.O. is facing the worst crisis since its inception, as lack of funds and divisions over the peace process threaten to break apart the Organisation and the Palestinian negotiating team. Palestinian groups -- except for Fatah -- and independents are distancing themselves from the P.L.O. as they feel alienated from the decision-making process that is now confined to a shrinking clique around Yasir Arafat. . . . As the situation stands now, ten groups are functioning outside the P.L.O.

. . .  
A call by the leader of Fatah in Lebanon for Arafat to resign, even though the former carries little political weight, reflects the rapid disintegration of the mainstream group and Arafat's loss of support inside his own movement. The financial crisis of the P.L.O., which is mainly caused by the Gulf states cutting aid to the Palestinians, is fueling discontent among the Palestinians in the territories and the refugee camps in Jordan and Lebanon who are angered by reports of corruption and mismanagement. . . .

[M]any fear that the P.L.O. is rapidly collapsing. . . . At no point in the P.L.O.'s history has opposition to the leadership, and to Arafat himself, been as strong, while for the first time there is a growing feeling that safeguarding Palestinian national rights no longer hinges on defending the P.L.O.'s role. Many believe that it is the leadership's policies that are destroying Palestinian institutions and jeopardising Palestinian national rights. The speedy disintegration of the P.L.O.'s institutions and the steady erosion of the Organisation's constituency could render any breakthrough at the peace talks meaningless.

Shmuel Toledano [former Israeli Labor Party adviser on Arab affairs], "Talking to the P.L.O.," *Middle East International*, August 28, 1993, pp. 20-21 [reprinted from *Ha'aretz* (Israel), August 13, 1993]. An excerpt:

It is worth remembering here that members of the Palestinian delegation went to Tunis in order to submit their resignation for one reason: because they were not prepared to accept the P.L.O.'s orders to respond positively to the U.S. proposal. They were demanding a more extremist, negative line. Is this not another good reason to prefer direct talks with the Tunis P.L.O.?

. . . In real terms, the P.L.O. and the Palestinians have long abandoned their dream of returning to Jaffa, Haifa, Lydda and Ramle. Now they are saying: "We are willing to refrain from exercising this right, although nobody can possibly disagree with the right itself." In a letter sent on 19 January 1991 by Nabil Sha'th, the chair of the P.L.O.'s political department, to Harold Saunders, then the U.S. Secretary of State's aide in Middle East Affairs, [Sha'th] said: "I have received a copy of the framework agreement. I am pleased to say that I have been authorised by the P.L.O. to adopt this document and support it as a valuable basis for future negotiations towards peace. . . ." Among other things, the document contains a chapter dealing with the right of return and with the refugees. It says on this subject: "The procedure towards the Palestinians who will wish to return to their homes or to receive compensation will be discussed during the peace process. A collective return of Palestinians to their homes is not envisaged."

Nadav Ha'etzni, *Ma'ariv* (Israel), August 29, 1993; Danny Rubinstein, *Ha'aretz* (Israel), August 24, 25, 27, 1993; Chris Hedges, "Palestinians' Reactions: Anger, Doubt and Hope," *New York Times*, September 10, 1993, p. A13 ("In a two-hour walk through the [Becca Palestinian refugee] camp there was not one photo or portrait of the P.L.O.

chairman visible"); James Whittington, "The Middle East: Anger in refugee camps at meagre offer of land; Opposition to Arafat is mounting," *Financial Times* (London), September 1, 1993, p. 4 ("there is open hostility or murderous undertones at the mention of Mr. Arafat's name"). See also, Shimon Peres, *Moked* (Israeli T.V.), September 1, 1993 [quoted in *News from Within* (Jerusalem), September 5, 1993] (the day the accords were announced, former Israeli Prime Minister Shimon Peres described: "there has been a change in *them*, not *us*. We are not negotiating with the P.L.O., but only with a shadow of its former self").

90. On the Palestinian Authority's police force, see for example, Amnesty International, *Palestinian Authority: Prolonged political detention, torture and unfair trials*, December 1996 (A.I. Index: MDE 15/68/96). An excerpt (p. 8):

The Palestinian police force was recruited partly from Palestinians from the diaspora, including members of the Palestinian Liberation Army, the armed force of the P.L.O., and partly from local people from the West Bank and Gaza Strip. Originally composed of 12,000 police, by July 1995 its number had risen to 20,000 and by September 1996 there were believed to be more than 40,000 police in different branches of the security forces. In the Gaza Strip, with about 20,000 police, there is one law enforcement officer for every 50 people, possibly the highest ratio of police to civil population in the world.

Human Rights Watch, *World Report 1997*, New York, 1996, pp. 293-294 (condemning abuses and repression by the P.L.O. security forces); B'Tselem [human rights organization], *Neither Law Nor Justice*, Jerusalem, August 1995 (also condemning abuses).

91. On the return of Russia to the standard Third World pattern in the 1990s, see chapter 5 of *U.P.* and its footnote 10.

92. On the savagery of European colonial expansion, see chapter 4 of *U.P.* and its footnote 72. On the general cultural level of Western Europe at the outset of the colonial period, see for example, Francis Jennings, *The Invasion of America: Indians, Colonialism, and the Cant of Conquest*, New York: Norton, 1975. An excerpt (p. 3):

The Atlantic coast countries [of Europe] destined for overseas empire had little of Italy's artistic splendor or intellectual boldness. Spain and Portugal were deeply steeped in feudal institutions and customs. France's kings had only just won their long, debilitating contests with the kings of England and the dukes of Burgundy, and in England the Tudors had just begun to salvage what remained from the Wars of the Roses. However much may now be seen of germs and origins of modern times, the peoples of the springboard societies of western Europe knew only what they had grown up with, and that was still feudal in conception, in conduct, and in expectation.

When the Europeans began their astounding voyages to dazzling "new" worlds, they could carry only the freight they possessed; the ideas and institutions with which they conquered and colonized were the same they knew at home. On a thousand frontiers Europeans used the technology of superior ships and guns to gain beachheads; then they imposed on top of indigenous societies the devices best understood by the conquerors.

93. On the approximate populations of Europe and Africa at the start of colonization and centuries later, see for example, Fernand Braudel, *The Structures of*

*Everyday Life: The Limits of the Possible -- Civilization and Capitalism, 15th-18th Century*, Vol. I, New York: Harper and Row, 1979 (translation from the French 1981), p. 42 (citing population estimates for 1650 of 100 million in Africa and 100-103 million in Europe; for 1750 of 100 million in Africa and 140-144 million in Europe; for 1800 of 100 million in Africa and 187 million in Europe; for 1850 of 100 million in Africa and 266-274 million in Europe; and for 1900 of 120 million in Africa and 401-423 million in Europe. Note that Braudel himself questions the early estimates of 100 million for Africa).

94. On U.S. dismissal of the World Court's condemnation, see chapter 3 of *U.P.* and its footnotes 43, 44 and 45.

95. On John Jay's maxim, see the biography by Frank Monaghan, *John Jay: Defender of Liberty*, New York: Bobbs-Merrill, 1935, p. 323.

96. For James Madison's statements, see Jonathan Elliot, ed., *The Debates in the Several State Conventions on the Adoption of the Federal Constitution, 1787* ("Yates's Minutes"), Philadelphia: Lippincott, 2nd edition, 1836 (reprinted in facsimile 1937). Madison argued (p. 450):

In England, at this day, if elections were open to all classes of people, the property of landed proprietors would be insecure. An agrarian law would soon take place. If these observations be just, our government ought to secure the permanent interests of the country against innovation. Landholders ought to have a share in the government, to support these invaluable interests and to balance and check the other. They ought to be so constituted as to protect the minority of the opulent against the majority. The Senate, therefore, ought to be this body.

Similarly, Madison declared ("James Madison: Note to his Speech on the Right of Suffrage," in Max Farrand, ed., *The Records of the Federal Convention of 1787*, New Haven: Yale University Press, 1966, Vol. III, p. 452):

An obvious and permanent division of every people is into owners of the Soil, and the other inhabitants. In a certain sense, the Country may be said to belong to the former. . . . Whatever may be the rights of others derived from their birth in the Country, from their interest in the high ways & other parcels left open for common use as well, as in the national Edifices and monuments; from their share in the public defence, and from their concurrent support of the Govt., it would seem unreasonable to extend the right so far as to give them when become the majority, a power of Legislation over the landed property without the consent of the proprietors.

In a June 1787 speech, perhaps influenced by Shays's rebellion -- a 1786-87 armed rebellion by debt-ridden Massachusetts farmers that was suppressed by force -- Madison gave the following warning (Richard Matthews, *If Men Were Angels: James Madison and the Heartless Empire of Reason*, Lawrence: University Press of Kansas, 1995, p. 80):

In framing a system which we wish to last for ages, we shd. not lose sight of the changes which ages will produce. An increase of population will of necessity increase the proportion of those who will labor under all the hardships of life, & secretly sigh for a more equal distribution of its blessings. These may in time outnumber those who are placed above the feelings of indigence. According to the laws of equal suffrage, the power will slide into the hands of the former. No agrarian attempts have yet been made in this Country, but symptoms of a levelling spirit, as

we have understood, have sufficiently appeared in a certain quarters [sic] to give warning of the future danger.

Madison elaborated further on this fear in 1829, commenting (p. 210):

That proportion being without property, or the hope of acquiring it, cannot be expected to sympathize sufficiently with its rights, to be safe depositories of power over them.

The most careful scholarly analysis concludes (Jennifer Nedelsky, *Private Property and the Limits of American Constitutionalism: The Madisonian Framework and its Legacy*, Chicago: University of Chicago Press, 1990, p. 66):

In 1787 the importance of the rights of persons and the right to participate in the making of the laws were assumptions in the back of Madison's mind. The protection of property was the object he held steadily before him as he worked on the Constitution. This focus cast "the people," the future majority, in the role of a problem to be contained, and tipped the balance among the competing values he sought to implement.

The author notes that the same conception was accepted as a matter of course by almost all of the Framers, James Wilson being "the only one who declared that property was not the object of government" and "gave priority to what was seen by his colleagues as the major threat to property: the political liberty of the people" (p. 96). Chomsky adds that Thomas Jefferson took a similar position, but he had no direct role in these deliberations.

See also, Gordon Wood, *The Creation of the American Republic: 1776-1787*, New York: Norton, 1969, pp. 513-514 ("The Constitution was intrinsically an aristocratic document designed to check the democratic tendencies of the period," delivering power to a "better sort" of people and excluding "those who were not rich, well born, or prominent from exercising political power"); Lance Banning, *The Sacred Fire of Liberty: James Madison and the Founding of the Federal Republic*, Ithaca: Cornell University Press, 1995, p. 245 (the author, who strongly affirms Madison's dedication to popular rule, nevertheless concurs with Gordon Wood's assessment of the Constitutional design, quoted above).

97. On Madison's original assumptions and his subsequent recognition of their delusional nature, see for example, Jennifer Nedelsky, *Private Property and the Limits of American Constitutionalism: The Madisonian Framework and its Legacy*, Chicago: University of Chicago Press, 1990, pp. 42-51; Lance Banning, *The Sacred Fire of Liberty: James Madison and the Founding of the Federal Republic*, Ithaca: Cornell University Press, 1995, p. 203; Richard Matthews, *If Men Were Angels: James Madison and the Heartless Empire of Reason*, Lawrence: University Press of Kansas, 1995, pp. 184, 189 n.32; Robert A. Rutland et al., eds., *The Papers of James Madison*, Chicago: University of Chicago Press, 1977, Vol. 10, p. 213 (Madison's language about the "enlightened Statesman, or the benevolent philosopher," was from a 1787 letter to Thomas Jefferson).

These scholars recount Madison's hope that it would be the "enlightened Statesman" and "benevolent philosopher" who would share in the exercise of power in the political system he designed. Ideally "pure and noble," these "men of intelligence, patriotism, property and independent circumstances" would be a "chosen body of citizens, whose wisdom may best discern the true interests of their country, and whose patriotism and love of justice will be least likely to sacrifice it to temporary or partial

considerations." They would thus "refine" and "enlarge" the "public views," guarding the public interest against the "mischiefs" of democratic majorities.

Madison soon learned differently, and by 1792 he warned that the Hamiltonian developmental capitalist state would be a government "substituting the motive of private interest in place of public duty," leading to "a real domination of the few under an apparent liberty of the many." As Madison put it in a letter to Jefferson (Nedelsky, pp. 44-45):

[M]y imagination will not attempt to set bounds to the daring depravity of the times. The stock-jobbers will become the pretorian band of the Government, at once its tool and its tyrant; bribed by its largesses and overawing it by its clamours and combinations.

98. For Madison's recommendation that the population should always remain fragmented, see his famous *Federalist* Paper No. 10, first published in 1788. An excerpt:

The diversity in the faculties of men, from which the rights of property originate is not less an insuperable obstacle to a uniformity of interests. The protection of these faculties is the first object of government. . . . To secure the public good and private rights against the danger of [a majoritarian] faction, and at the same time to preserve the spirit and the form of popular government, is then the great object to which our inquiries are directed. . . . By what means is this object attainable? Evidently by one of two only. Either the existence of the same passion or interest in a majority at the same time must be prevented, or the majority, having such coexistent passion or interest, must be rendered, by their number and local situation, unable to concert and carry into effect schemes of oppression. . . . Extend the sphere [of the society] and you take in a greater variety of parties and interests; you make it less probable that a majority of the whole will have a common motive to invade the rights of other citizens; or if such a common motive exists, it will be more difficult for all who feel it to discover their own strength and to act in unison with each other. . . .

The influence of factious leaders may kindle a flame within their particular States but will be unable to spread a general conflagration through the other States. A religious sect may degenerate into a political faction in a part of the Confederacy; but the variety of sects dispersed over the entire face of it must secure the national councils against any danger from that source. A rage for paper money, for an abolition of debts, for an equal division of property, or for any other improper or wicked project, will be less apt to pervade the whole body of the Union than a particular member of it.

99. On scientists' warnings about the greenhouse effect in the early 1970s, see for example footnote 46 of chapter 2 of *U.P.*