

THE JUDGES AND THE JUDGED: A DOUBLE STANDARD FOR GENOCIDE

Theo Radic

Robert Jackson, Chief Prosecutor at the Nuremburg trials in 1945, said in his opening speech: “Either the victors must judge the vanquished or we must leave the defeated to judge themselves. After the first World War, we learned the futility of the latter course.” As to who shall judge the victors – on the same scale as the Nuremburg trials – he did not seem to consider. Today, all nations *except* the United States are liable to have their citizens prosecuted in the ICC (International Criminal Court). In January 2019, an International Criminal Court judge resigned over threats he received from the United States government. Judge Christoph Fluegge was forced to leave the ICC in The Hague after the United States reportedly threatened his judicial staff who were inquiring about US war crimes in Afghanistan. Fluegge, an experienced international lawyer, told the German newspaper *Die Zeit* (January 23, 2019) that the threats involved imposing travel bans on judges or launching criminal investigations against them. In the same article, Christopher Black, an international criminal lawyer, said: “A judge in my case was threatened by Americans working there that if certain passages in the judgement acquitting the general I was defending were not removed he would face physical problems.” In the world of organized crime, gangsters are infamous for the “physical problems” with which they threaten their victims if they do not get their way. So it has been for the US government since its founding.

The genocidal crimes of the Nazis are generally known. The American genocidal crimes against the First Nations are also generally known, but there are no foreseeable Nuremburg-type trials to prosecute the criminals, not only because they are all dead now, but also because the Nuremburg trials were focused on the crimes of the vanquished by their victors. The UN Genocide Convention does not allow for retroactive prosecution of genocides committed before 1948. The genocidal crimes of the Americans – unconquerable victors – will forever go unpunished. There will be no Ben Ferencz to speak out on behalf of the victims of the American holocaust as he spoke on behalf of the Jews murdered in the European holocaust: “These million people were murdered because they didn’t share the race, the religion or the ideology of their executioners.”¹ There is simply no tribunal which can force the US to be accountable for its crimes against humanity, as the US forced Germany to be accountable after reducing the nation to rubble. It is doubtful that the American prosecutors at Nuremburg, Robert Jackson and his colleague Ben Ferencz, ever

¹ *Prosecuting Evil: The Extraordinary World of Ben Ferencz*, (2018) documentary video by Barry Avrich. Ben Ferencz, today 98, was the Chief Prosecutor for the United States Army at the Einsatzgruppen Trial, one of the twelve military trials held by the U.S. authorities at Nuremburg.

considered that the United States could be guilty of crimes against humanity, even though General Dwight Eisenhower and his occupation army were at that very moment committing crimes against humanity upon thousands of German prisoners-of-war.

Genocide is such a strong word that people find it extremely difficult, if not impossible, to accept as a part of the history of their country. In Turkey, to speak openly of the Armenian genocide – the systematic extermination of 1.5 million Armenians by the Ottoman government in 1915 – is still not only taboo, but unlawful. The Ottomans also targeted other ethnic groups for extermination which came to be called the Assyrian genocide and the Greek genocide, all part of the same genocidal policy. The Polish-Jewish lawyer Raphael Lemkin, moved by the annihilation of the Armenians, coined the word *genocide* in 1943, a word that the Turkish president does not wish to hear. This emotional denial of historical facts has not been permitted to the Germans. They have shouldered their guilt, despite many who are still inflicted with the psychological ailment called *denial*. Americans too suffer from denial.

The Nuremburg trials established international laws still being applied today. Unfortunately, application of these laws often involves a devious double standard, as when the West protested Russia's (peaceful) annexation of Crimea in 2014. It easily ignores that all 50 states in the United States were the result of the annexation of sovereign nations, from Massachusetts all the way out to the middle of the Pacific Ocean with the (violent) annexation of the Kingdom of Hawaii in 1893, which destroyed 95% of the indigenous people and transformed the survivors into second-class citizens. Many Hawaiians still regard Hawaii as a sovereign nation.

In *An Indigenous Peoples' History of the United States* (2015), Roxanne Dunbar-Ortiz gives an overview of the crimes against humanity committed during the formation of the United States. Today there are more than 500 federally recognized indigenous nations totaling three million people, descendants of the fifteen million indigenous people who once inhabited what is today called "The United States." Dunbar-Ortiz describes the centuries-long genocidal program of the United States, and its transcontinental policy of "annihilation unto unconditional surrender," which has largely been omitted from history. The documentation is readily available, but is mostly ignored. The transcontinental genocidal crimes were part of an official *plan and design* as meant by Robert Jackson in his 1945 speech at Nuremburg: "It is my purpose to show a plan and design, to which all Nazis were fanatically committed, to annihilate all Jewish people." The *plan and design* of Manifest Destiny to annihilate all Indigenous people is explained by Dunbar-Ortiz:

The history of the United States is a history of settler colonialism – the founding of a state based on the ideology of white supremacy, the widespread practice of African slavery, and a policy of genocide and land theft.

Assuming full responsibility for these genocides is the most forbidden of all taboos in the United States today, which, as everyone knows, has always acted on the side of “good.” Several scholars have compared “Manifest Destiny” with Hitler’s *Lebensraumpolitik*; “all men are created equal” with *arbeit macht frei*, and have revealed the disturbing similarities between these two Germanic “master races.” (The Germanic tribes Angles and Saxons were the foundation of the future British empire, as well as the English language.) These scholars tell us that Hitler is known to have expressed admiration for the efficiency of the American genocide campaigns against the First Nations, viewing them as a forerunner for his own plans for mass-extirmination of the Jews.²

Each of the fifty states has its own indigenous trauma. Many transcontinental narratives resemble those of Auschwitz and the Soviet gulags. These all-too-numerous traumatic tales begin more than a century before there was a United States. One of the earliest was the Mystic River Massacre on May 26, 1637 during the Pequot War. Connecticut colonists under Captain John Mason and their Narragansett and Mohegan allies set fire to the Pequot town near Mystic River. They shot any villagers who tried to escape their wooden fortress and murdered most of the village, almost 400 men, women and children. John Underhill chronicled the carnage:

*many were burnt in the Fort, both men, women, and children, others forced out, and came in troopes to the Indians, twentie, and thirtie at a time, which our souldiers received and entertained with the point of the sword; downe fell men, women, and children, those that scaped us, fell into the hands of the Indians, that were in the reere of us; it is reported by themselves, that there were about foure hundred soules in this Fort, and not above five of them escaped out of our hands.*³

On January 18, 1943 Nazi troops stormed the Jewish ghetto in Warsaw. Within hours 600 Jews were shot and 5,000 others forced from their residences. As with the Pequots at Mystic River, the Jews in the ghetto offered fierce resistance. On April 19 SS soldiers under the command of Jürgen Stroop systematically burned and blew up the ghetto buildings, block by block, rounding up or murdering anybody they could capture. Over 56,000 people were killed on the spot or deported to death camps. These two massacres differ in their historical times, the number of victims, and that the Germans, unlike the Connecticut colonists, were eventually punished for their genocidal crimes. Otherwise, their perverse criminality is the same.

² “Dare to Compare: Americanizing the Holocaust,” Lilian Friedberg, paraphrasing Hitler’s biographer John Toland, *American Indian Quarterly*, Summer 2000. vol. 2 no. 3. Note: Lilian Friedberg is both of Jewish and Native American origin.)

³ John Underhill, *Newes from America; Or, A New and Experimentall Discoverie of New England; Containing, A True Relation of Their War-like Proceedings These Two Yeares Last Past, with a Figure of the Indian Fort, or Palizado*, 1637.

Of the 50 states in the United States, perhaps the most traumatic indigenous history is that of California. In *An American Genocide: The United States and the California Indian Catastrophe* (2016), Benjamin Madley writes of “Indian killing as an acceptable, US government-sponsored project.” This project – genocide – was not restricted to California (which had the highest indigenous population on the continent at the time of Columbus), but was systematically put into effect across the entire continent. Bullets, swords and bayonets were not the only means of murdering indigenous men, women and children. Poisonings, hangings, beatings, slave labor and what Madley terms “institutionalized starvation” also were used. Such is how Robert Jackson described the genocidal crimes against the Jews by the Nazis: “The persecution policy against the Jews [...] moved rapidly to organized mass violence against them, physical isolation in ghettos, deportation, forced labor, mass starvation, and extermination.”

On December 29, 1890, 300 unarmed Hunkpapa and Minneconjou, men, women, children and babies were massacred by the 7th cavalry at Wounded Knee, South Dakota. Ill-disciplined soldiers still smarting from their defeat at the Little Bighorn (as veterans today are still smarting from their defeat in Vietnam), ran amok. The frozen bodies were buried in a mass grave. The main difference between this war crime and Nazi soldiers machine-gunning Jewish families at the ravine on the outskirts of Kiev called Babi Yar, September 29-30, 1941, and throwing their cadavers in a mass grave, is one of quantity – approximately 33,771 Jewish civilians were murdered. Otherwise, the war crimes committed at Wounded Knee and Babi Yar are of the same magnitude.

One month prior to the massacre at Babi Yar, SS officer Paul Blobel ordered the extermination of the entire Jewish population of the Ukrainian village Bila Tserkva on 22 August 1941. SS officer August Häfner left this account of the massacre:

The Wehrmacht had already dug a grave. The children were brought along in a tractor. The Ukrainians were standing around trembling. The children were taken down from the tractor. They were lined up along the top of the grave and shot so that they fell into it. [...] The wailing was indescribable.⁴

The SS officer who organized this massacre, Blobel, was hanged in 1951 for his genocidal crimes. His accomplice Häfner was spared the gallows. He later recalled the massacre: “I especially remember an episode with a little blond girl who took my hand. She too was later shot. It was the worst thing I have experienced.” The double standard of genocide can be seen by comparing the above account with colonist

⁴ Saul Friedländer, *The Years of Extermination: Nazi Germany and the Jews, 1939–1945*, (2007) HarperCollins, New York. (Note: Blobel was hanged at Landsberg prison in 1951, and Häfner was sentenced to nine years in prison in 1968.)

George Lount's account of yet another horrifying massacre carried out with impunity on more than ninety innocent Achumawi villagers at Pit River, California, on September 2, 1859:

The attacking party rushed upon them – blowing out their brains, and splitting open their skulls with tomahawks. Little children in baskets, and even babes, had their heads smashed to pieces or cut open. Mothers and infants shared the common fate. The screams and cries of the victims were frightful to hear.

An American Genocide documents the horrifying routine of many such Federal and State financed incursions into peaceful indigenous villages in California, with the intention of murdering as many people as possible. In 1856 rancher Dryden Lacock recalled "...we would kill, on an average, fifty or sixty Indians on a trip...frequently...two or three times a week." Benjamin Madley adds: "If his memory is credible, Lacock seems to have participated in *the killing of thousands of Indians* between 1856 and 1860." The institutionalized starvation forced villagers to steal to stay alive. John Burgess spoke of the punishment that he and his colleagues inflicted on Yuki villagers for such theft: "For every beef that had been killed by them ten or fifteen Indians have been killed."⁵

Perhaps the last "wild Indian" in North America was the Yahi man known as Ishi. He was born at the beginning of the 1860s at a time when California's native peoples were being exterminated by gold hunters and settlers. The Yana people – of which the Yahi are the southernmost branch – prior to the gold rush were roughly 1,500 individuals, but quickly decreased when the discovery of gold in 1848 brought with it a tidal wave of gold-hungry Americans from the east. During his lifetime Ishi's people were routinely massacred and persecuted and their numbers declined more and more.

Those left alive stayed hidden and moved about only at night. It was as if they had been swallowed by the earth. The local inhabitants thought that all the Yahi had been exterminated. But for several decades a little group remained. They lived in ingeniously camouflaged huts. They could travel long distances hopping from stone to stone to avoid leaving footprints. Every footprint they left they covered with dead leaves or dirt. Their paths ran beneath the chaparral and they went on all fours. They broke no branches and cut no wood. They spoke softly around small fires without smoke. For a few more years the Yahi people's stories were heard in whispering tones, and their collective memory was shared by a little group of slowly disappearing human beings. The remaining Yahi hid from their executioners as Anne Frank and her family hid from theirs in the secret Annex of the house at 263 Prinsengracht in Amsterdam. "There is a destructive urge in people, the urge to rage, murder and kill." (Anne Frank, May 3, 1944)

⁵ Benjamin Madley, *An American Genocide: The United States and the California Indian Catastrophe*, Yale University Press, New Haven, 2016.

In 1908 only Ishi, his aging mother, an old man and a young woman remained. But when gold seekers came up into their small ravine, the old man and the young woman drowned while trying to flee. The mother was taken captive by the whites but died soon after. Now Ishi was totally alone. For three more years he would wander around the landscape that once was the homeland of his people. No one could speak his language anymore, nor share his memories, stories and sorrows.

At the beginning of the 20th century, with the indigenous peoples murdered or moved to reservations, genocide went out of fashion. Ishi had been given a “job” as a janitor at San Francisco’s Museum of Anthropology where he died in 1916. Ironically, Ishi may have had his most stress-free existence as a captive of the Americans, when he no longer suffered the anguish of running, hiding and worrying about being captured and put to death by them as happened to so many of his tribesmen. In the vast space of American history between the Mystic Massacre in 1637 and the *total genocide* of the Yahi people with Ishi’s death in 1916, there prevailed an attitude summed up by L. Frank Baum, author of *The Wonderful Wizard of Oz*:

*The Whites, by law of conquest, by justice of civilization, are masters of the American continent, and the best safety of the frontier settlements will be secured by the total annihilation of the few remaining Indians.*⁶

With no moral justification, the Americans felt entitled to usurp California, just as the Israelis felt entitled to usurp Palestine, with no regard for the people who had been living there already for countless generations. This arrogant feeling of entitlement to “the promised land” resulted in horrifying massacres of innocent people in both places. The Nazis who were hanged as common criminals at Nuremburg, despite their high positions in the Third Reich, held white supremacist views similar to those of the American invaders of California. Stories which evoke the horrors inflicted on European villagers by Nazi storm-troopers, were the norm immediately following the invasion of California by John C. Fremont and his army in 1846, and the subsequent mass immigration following the discovery of gold two years later.

Although Spanish and Mexican occupation of California in the 18th and 19th centuries was cruel and catastrophic for the indigenous societies, it was not genocidal. The indigenous people were used as slaves, and slave-owners are not interested in destroying their property. Benjamin Madley’s term “California’s killing machine” can only be applied when the Americans arrived: “The US Congress fed the killing machine with money provided by taxpayers from across the country.” With the invasion of the Americans came the premeditated agenda of genocide, as expressed during a public meeting in Arcata, California, in 1858 calling for “a war of extermination, total extermination, of every man, woman and child in whose veins

⁶ *Aberdeen Saturday Pioneer* December 20, 1890 (Note: Sitting Bull was murdered on December 15.)

coursed the blood of the Indian race." Such was the policy of the Nazis toward the Jews. One of the accused at Nuremburg, Hans Frank, a lawyer, summarized the Nazi policy in his diary in 1944: "The Jews are a race which has to be eliminated; whenever we catch one, it is his end." He was executed in 1946 for crimes against humanity. Again and again, these newly arrived Americans repeat the call for *a war of extermination* in California: "Let extermination be our motto!" This agenda of psychopaths was realized in the decades after Fremont's 1846 invasion with routine mass murders and the intentional destruction of native villages and their food sources. Madley begins several of his chronological chapters of *An American Genocide* in this vein: "The rate of killing increased steadily..." With the highest technology in weaponry of the age, the Americans could launch "an unprovoked massacre" of as many as fifty Modoc or Paiute villagers without a single American casualty. Sometimes they even killed for amusement, as in Mendocino county in 1856, when vigilantes murdered eleven indigenous people "just to see them jump," as one of them related. On May 3, 1858 a correspondent wrote of men near Mt. Lassen setting out with the intention of exterminating a Yana village, "and killed nearly everyone, men, women and children, to the number of forty or fifty." At times, the theft of a cow could result in such "unprovoked massacres." Again and again, throughout the long decades after Fremont's invasion of California: Atrocity. Benjamin Madley only had 498 pages to document these horrors, a brief look into the genocidal tragedy of "the California killing machine."

On June 10, 1942, in Nazi-occupied Czechoslovakia, similar psychopaths as those in California completely destroyed the village of Lidice on orders from Adolf Hitler and Heinrich Himmler. In reprisal, not for the theft of a cow, but for the assassination of Reich Protector Reinhard Heydrich, all 173 males over 15 years of age from the village were executed. Another 11 men who were not in the village were arrested and executed soon afterwards, along with several others already under arrest. The 184 women and 88 children were deported to concentration camps; a few children considered racially suitable for Germanisation were handed over to SS families and the rest were sent to the Chelmno extermination camp where they were gassed to death. The village was burned to the ground. All the animals in the village were killed—pets and beasts of burden. Even those buried in the town cemetery were not spared; their remains were dug up, looted for gold fillings and jewelry, and destroyed. A work party was sent in to remove all visible remains of the village, re-route the stream running through it and the roads in and out. They then covered the entire area the village had occupied with topsoil and planted crops. (Wikipedia)

It is understandable that such crimes would eventually result in a war crimes tribunal and the execution of those mass-murderers who were captured alive. But should such crimes regularly occur in California, sponsored by the United States government, there would never ever be any form of accountability demanded of the Americans who committed them. In October, 1853 vigilantes murdered scores of Tolowa people in northwest California and incinerated their town. Several other northwestern tribes were hit with similar calamities at about the same time. Benjamin

Madley continues: "Worse was to come." What was to come – "a massacre of staggering scale" – evokes the mass-murders and total annihilation of the village Lidice, Czechoslovakia by the Nazis in June, 1942.

In the fall of 1853 large numbers of Tolowa villagers gathered at their main town, Yontocket, for their World Renewal Dance, called *Nee-dash*, or Feather Dance. Spiritual pilgrims from other tribes – Yuroks from the south and Chetcoe, Winchuk and other people from the north – converged on the sacred ceremonial ground at Yontocket – the center of their universe. In this ceremony shared by many Pacific northwest cultures, imbalances in the world are fine-tuned like a musical instrument to insure the peace and serenity of these different ethnic groups living in close proximity, speaking different languages that had co-existed for thousands of years. It was a festive and solemn moment of harmony among human beings. Some were survivors of the Battery Point massacre a few months earlier and were in need of such warm and friendly human contact.

As the people danced and prayed and socialized, J.M. Peters, who had participated in the Battery Point massacre, quietly surrounded Yontocket with his company of thirty-three well-armed men, and opened fire. Peters' men burned Yontocket to the ground and as he said later, "scarcely an Indian was left alive." In *Del Norte Record* June 26, 1880, twenty-seven years after the mass-murders, Peters recalled with no remorse that it was "a saturnalia of blood," as if he were the priest in satanic ritual of human sacrifice. They killed so many that the survivors were unable to bury them all, but instead tied stones to the cadavers and threw them in the river. Such traumatic events remain in the oral tradition of the survivors and their offspring. Madley quotes Tolowa dance maker and tribal historian Loren Bommelyn in 1979: "Over 450 of our people were murdered or lay dying on the ground. Then the whitemen built a huge fire and threw in our sacred ceremonial dresses, and regalia, and our feathers, and the flames grew higher." Then "they threw in the babies. Many of them were still alive." Finally, the Americans "burn[ed] the village to the ground." It could very well be a scene in the Vietnam war. Or Robert Jackson describing Nazi attacks on Eastern European Jews: "Men, women and children are locked into barns and burned alive." Thus, Jackson's appraisal at Nuremburg should be reconsidered in the light of the "California killing machine": "History does not record a crime ever perpetrated against so many victims or one ever carried out with such calculated cruelty." History has indeed recorded such crimes, hundreds of years of them, across the vast expanses of North America.

Modern Californians may remember that one summer morning in 1969, five people were sadistically murdered in a mansion located within an exclusive Los Angeles neighborhood known as Benedict Canyon. Among those found dead the following morning was the actress Sharon Tate, eight months pregnant. Later that night a wealthy couple, Rosemary and Leno LaBianca, were also stabbed to death in their home near Hollywood. When the lunatic killing spree of Charles Manson and his followers ended, modern Californians were horrified over such barbarity and did

not hesitate to condemn the killers as demented monsters. And yet, they remain blissfully ignorant that the founding of their state was made possible by such people committing such crimes over and over again, with *impunity*. This double standard of genocide allows the victors to commit genocidal crimes with no punishment, and then judge the vanquished for similar crimes and sentence them to death in an international criminal court.

The Nazis held power in Germany only twelve years, and yet, if we are to believe Nuremburg Prosecutor Robert Jackson, their crimes against humanity seemingly have no equal in history. But perhaps the centuries of American dominance of North America, and its present dominance in the world, have produced crimes against humanity even more egregious than the Nazis who were tried at Nuremburg. The massacre of 504 unarmed civilians, including babies, in 1968 at My Lai village in Vietnam evokes the massacre at Yontocket village, California in 1853, crimes carried out with total impunity, with no war crimes tribunals to punish the guilty. In both cases, the notion of racial superiority infected the minds of the murderers, who saw their victims as subhuman. In *Kill Anything that Moves* (2013) Nick Turse documents the horrendous mass-murders in the Vietnam war, routinely carried out with premeditation following the “Mere Gook Rule” – any Vietnamese person (“gook” to American soldiers) was a potential murder victim to enhance what Turse calls the “body-count fixation” that led to promotions, citations and medals of valor. Even murdered Vietnamese children were reported as “enemy dead” to add points in the competition for the highest body-count.⁷ Children too were a part of the body count in the “California killing machine” as documented in *An American Genocide*. Children have indeed been the victims of Americans since the Mystic Massacre in 1637. Below are statistics for (some) of the victims of American terror since 1950 compiled by John Pilger:

1950-53	Korea	3,000,000
1964-75	Vietnam	3,800,000
1969-75	Cambodia	800,000
1965-73	Laos	350,000
1965-66	Dominican Republic	3,500
1983	Grenada	49
1989	Panama	5,000
1990-91	Iraq	100,000
1999	Yugoslavia	2,000
2001	Afghanistan	1,000,000
2003	Iraq	1,000,000
2004-2011	Pakistan	unknown
2011	Libya	unknown

⁷ Nick Turse, *Kill Anything that Moves*, Henry Holt and Company, New York, 2013.

On November 21, 1945, the Chief Prosecutor at Nuremburg, Robert Jackson, said in his opening speech: “The wrongs which we seek to condemn and punish have been so calculated, so malignant, and so devastating, that civilization cannot tolerate their being ignored, because it cannot survive their being repeated.” 3.8 million Vietnamese were killed in the Vietnam war. Indeed, the twelve bloody years of this mindless war represent wrongs “so calculated, so malignant, and so devastating, that civilization cannot tolerate their being ignored.” Alas, civilization tolerates and ignores the war crimes of Vietnam, the genocides of the First Nations, the 600,000 slaughtered in the Civil War, and countless other moments of obscene American barbarity. The leaders of Europe and the rest of the world show abject servility and submission to the last remaining – unconquerable – super power. Should its crimes against humanity be revealed in all their ugly perversity to the world, as did Julian Assange, severe punishment awaits the offenders.

Interviewing a former major who was in Vietnam decades earlier, Nick Turse was told that “body count was the most important measure of success.” If units were short of the necessary “kills” to meet their body count quotas, “prisoners or detainees were simply murdered.” Turse, who was born the year the Vietnam war ended, writes that “atrocities were committed by members of every infantry, cavalry, and airborne division, and every separate brigade that deployed without the rest of its division—that is, every major army unit in Vietnam.” No one has been convicted for the rapes and mass murders which Turse carefully documented in *Kill Anything that Moves*. Harmless fishermen, farmers, women, girls, boys and even babies were slaughtered in the thousands by American military from all ranks who were obsessed by body-counts, and who proudly archived reports of these civilian dead as enemy soldiers “killed in action” – even children! Such was their devotion to record-keeping that the very evidence of their war crimes in Vietnam were proudly archived by the Americans. Similarly, Robert Jackson referred to a “a report written with Teutonic devotion to detail” by General Stoop, “beautifully bound in leather with the loving care bestowed on a proud work,” giving the body-count of the massacre of men, women and children in the Warsaw ghetto: “This action eliminated a proved total of 56,065. To that, we haste to add the number killed through blasting, fire, etc., which cannot be counted.” Like the Nazi war crimes, the American war crimes in Vietnam leave a clear paper trail. What on paper looked like heroic deeds in Vietnam were very often the heinous crimes of total cowards, on par with the mass-murderers hanged at Nuremburg in 1946.

Like Nazi field marshal Wilhelm Keitel, hanged at Nuremburg, the two-star general Julian Ewell, “The Butcher of the [Mekong] Delta,” was a career military man. He openly admitted to a fellow West Point officer that he “wanted to begin killing ‘4,000 of these little bastards a month,’ and then by the end of the following month wanted to kill 6,000,” and so on from there. Indochina had become the playground for psychotic killers. General Ewell was one of the most successful mass-murderers of the Vietnam war. No one in General Ewell’s 9th Infantry Division was ever prosecuted for killing thousands of civilians during Speedy Express (General

Ewell's campaign of mass-murder in "free-fire" designated zones). Indeed Ewell, The Butcher of the Delta, was awarded a third star and promoted. Like all of the accused at Nuremburg, Ewell saw nothing wrong with his behavior, and was proud of his nickname. He saw nothing wrong with what the soldiers under his command had done. He died in 2009. Investigating war crimes in Vietnam, Nick Turse initially thought that it would be hard to find evidence: "I'd thought that I was looking for a needle in a haystack; what I found was a veritable haystack of needles."

Decades after Vietnam, American wars and atrocities continue with little interruption. On November 19, 2005, 24 Iraqi civilians were massacred in a "thrill killing" by US marines in Haditha, a city on the banks of the Euphrates. "It was premeditated slaughter in every sense of the word. The Marines came in and they killed everyone inside." (Khalid Ahmed Rsayef, eyewitness.) One US military group reveling in "thrill killings" called themselves Lethal Warriors. They committed repeated murders, mutilations, decapitations and dismemberings of their civilian victims in Iraq. So little concerned were they for being held accountable for their war crimes that they boasted on videos about their murders. After coming home from two tours in Iraq, and after having survived a suicide attempt, Lethal Warrior John Needham beat his girlfriend to death in California in 2008. He later was found dead of an apparent suicide. In March, 2012, yet again, American soldiers went on a "thrill killing" spree in Afghanistan's southern province of Kandahar, killing at least 17 innocent Afghan civilians in their sleep (including nine women and three children) and wounding several others.

These examples must suffice so as not to "become lost in a wilderness of single instances." (Jackson) The list is long of war crimes committed by Americans in recent times, "their calculated and planned ruthlessness in the conduct of warfare, their deliberate and planned criminality toward conquered peoples" for which Nuremburg Chief Prosecutor Robert Jackson condemned the Nazis on an international platform. Today, for revealing the truth on an international platform about "Crimes against Peace, War Crimes, and Crimes against Humanity" – the very reason for the Nuremburg Trials – Wikileaks founder Julian Assange has paid the highest price. Not only are American war crimes not punishable, those who blow the whistle risk their health, their sanity and their lives.

Who is able to "condemn and punish" the American war criminals who are still alive today, as Robert Jackson demanded at Nuremburg in 1945? Serbian, Croatian, Bosnian and African war criminals may be tried and condemned in an international tribunal, but *not* Americans – the unconquerable victors whom Jackson saw as the judges, not the judged. In his speech, Jackson denounced the accused: "They took from the German people all those dignities and freedoms that we hold natural and inalienable rights in every human being." If one exchanges "German people" in this sentence with "indigenous people," the very uncomfortable reality of the American genocide becomes equally as worthy of prosecution at an international tribunal, which shall never convene except in the minds of posterity who will judge us.

Robert Jackson's use of the term "inalienable rights" in his Nuremburg speech comes from the Declaration of Independence. Its very valid list of grievances against British tyranny did not include the very obvious tyranny of the American slave trade and generations of massacres of indigenous people since the founding of Plymouth Colony. However, before long the new American tyranny would itself be guilty of having "obstructed the Administration of Justice" among the ancient societies of Turtle Island; of having "sent hither Swarms of Officers to harass (them)"; of having kept among their independent nations "in Times of Peace, Standing Armies, without (their) consent"; of having subjected them "to a Jurisdiction foreign to their (ways)"; and of having perpetrated on them "the Works of Death, Desolation, and Tyranny, already begun with circumstances of Cruelty and Perfidy, scarcely paralleled in the most barbarous Ages." This hypocrisy of the Declaration of Independence evokes the traditional hypocrisy which has made western civilization blind to itself. We are not the good guys. Everything that we loathe in the Enemy, *that* is who we are.

In his prosecution of the Nazis, Jackson also denounced "their 'new world order'" – precisely the term used so often by president George H.W. Bush: *new world order*. This is no coincidence. His father, Prescott Bush, is known to have funded the German Nazis even during the first three years of the war. That is, this US senator, father of one president and grandfather of another, was guilty of *high treason*, a crime punishable by the death sentence in time of war. Prescott Bush was the director of the New York-based Union Banking Corporation (UBC) and a shareholder in companies that profited from investments in Nazi Germany before and during the war. His enterprise with Nazi Germany continued until his company's assets were seized in 1942 under the Trading with the Enemy Act. 60 years later in Germany, two former slave laborers at Auschwitz brought a civil action against the Bush family for damages. One former US Nazi war crimes prosecutor argued that the late senator's action should have been grounds for prosecution for giving aid and comfort to the enemy, that is, *high treason*. That his son and grandson, themselves guilty of crimes against humanity, would actively carry out the Nazi plan for a "new world order," is cause for alarm, with high treason now having become the norm among the ruling class. The term "new world order" can be traced back to entry no. 1055 (1885) in Friedrich Nietzsche's notebooks that were published posthumously as *The Will to Power*, favorite reading of Hitler:

*A pessimistic teaching and way of thinking, an ecstatic nihilism, can under certain conditions be indispensable precisely to the philosopher – as a mighty pressure and hammer with which he breaks and removes degenerate and dying races to make way for a new order of life.*⁸

⁸ Walter Kaufmann, Nietzsche's translator, argued that true positions he held on the subjects he wrote about are to be found in the books he carefully revised and published, rather than his sketchy notebooks. "And in the end we should be less tempted than ever to mistake a random quotation for an ultimate position." (Walter Kaufmann, Appendix to *The Will to Power*)

Even though the “ecstatic nihilism” of the Third Reich cannot be blamed on Nietzsche, the history of Europe between 1933 and 1945 indeed reveals how this “random quotation” illustrates exactly how Hitler “*breaks and removes degenerate and dying races to make way for a new order of life.*” Even Nietzsche’s future colleague, the Nazi philosopher Heidegger, fully believed in this “new order of life” – fascism.

Considering the “false flag” operations carried out by treasonous elements within the US government who have a “new world order” as their agenda – the Bay of Tonkin incident that began the war in Vietnam; the weapons of mass destruction falsely said to exist in Iraq which started the war in Iraq; the attacks on the World Trade center in 1993 and 2001 – more and more people are calling for “Nuremburg-type trials” for the criminals in the US government, military and global corporations, plundering global natural resources and wreaking havoc and mass murder in all parts of the world – *with impunity.*

Robert Jackson’s Nuremburg speech touched on a Nazi false flag operation which sounds like a precursor of the American false flag attacks: “On February 27, 1933, less than a month after Hitler became Chancellor, the Reichstag building was set on fire. The burning of this symbol of free parliamentary government was so providential for the Nazis that it was believed they staged the fire themselves. Certainly when we contemplate their known crimes, we cannot believe they would shrink from mere arson. It is not necessary, however, to resolve the controversy as to who set the fire. The significant point is in the use that was made of the fire and of the state of public mind it produced.” The state of the public mind produced by the attacks on September 11, 2001 has allowed illegal searches and surveillance of citizens under the Patriot Act, unending criminal wars for the last 18 years, astronomical profits made by the “military-industrial complex,” hundreds of thousands slaughtered, once thriving countries turned into fanatic hell-holes, with no “Nuremburg-type trials” yet planned for the high-level criminals who wreak this havoc upon humanity – *with impunity.*

As a final irony, Germany dominates the European Union today and its vision of a “new world order.” One could almost confuse the Germany of Robert Jackson’s statement in his Nuremburg speech with today’s Germany: “The world has perhaps never seen such a concentration and stimulation of the energies of any people as that which enabled Germany 20 years after it was defeated, disarmed, and dismembered to come so near carrying out its plan to dominate Europe.”