punished. During the Civil War, for example, General Sherman ordered the killing of 64 Confederate prisoners of war in retaliation for the murder of 27 of his own soldiers, who had been found with signs pinned to them reading "death to the plunderers," an apparent reference to the behavior of Sherman's army.

In the Philippines, the torture of natives to extract information or confessions was virtually policy as was the burning of villages and barrios suspected of aiding the "insurrectos." When asked at a Senate meeting in 1902 whether the extermination of whole families might not be even worse punishment for aiding the rebels, General Robert P. Hughes, Provost-Marshall-General of the Philippines replied, "These people are not civilized." When pressed by Nebraska Senator Charles Henry Dietrich, who asked whether in "order to carry on civilized warfare both sides have to engage in such warfare, Hughes answered, "Yes, sir; certainly. That is the point."

World War II, because of its tremendous scope, provides numerous examples of U.S. war atrocities, far more than can be recounted in a short narrative. One incident, however, is illustrative of the "victor's justice" of Nuremberg. On September 12, 1942, in the mid-South Atlantic, the German submarine U-156 sank the well armed British ship *Laconia*, a legitimate submarine target. Unknown to the German U-boat captain, on board were over 2700 passengers and crew, including civilians, women and children, and 1800 Italian prisoners of war. On realizing the magnitude of the peril to the survivors, the U-boat captain undertook rescue operations and radioed details of the situation to Admiral Doenitz, German commander of submarines. Doenitz, disregarding the standing rule of naval warfare that waging war ranks over rescue, ordered two submarines from station off Freetown to join the rescue effort, requested the Italians to dispatch a submarine, and asked the French to send assistance as well. U-156 alone took over 260 survivors on board. The three submarines then took a string of life boats in tow with U-156 flying a huge Red Cross flag to identify the rescue mission. The operation was interrupted, however, by an American Liberator bomber which, after circling, receiving visual and radio transmissions from the boats as to the nature of the formation, and then departing, returned a half-hour later to conduct five bombing runs, scoring a hit on U-156 and one of the lifeboats. When questioned later about the incident, the responsible American officer stated that he did not know that there were British survivors on board. "But," he added, "even if I had, it would have made no difference. I would have given the order anyway." Yet among the charges levelled against Admiral Doenitz at Nuremberg was the war crime of allowing the killing of survivors by submarines under his command. As for the American officer who ordered the attack on the submarine rescue mission, Robert C. Richardson was, in 1963, a brigadier general attached to NATO.

About the atrocities of the war in Vietnam, little need be said. Still fresh in the public mind are the revelations about my Lai. Since My Lai, numerous other atrocity stories have been reported and verified. To ascertain that extensive atrocities have been committed, one need only reflect on the fact that the trail of blood has reached the ranks of the highest American officers who have served there. In June 1971, the Army charged Brigadier General John W. Donaldson with the murder of six Vietnamese civilians, although later the charges were dropped.

Which is not surprising. In a recent *Playboy* interview, former Army colonel Anthony Herbert spoke of charges of war crimes he brought against his commanding officer in Vietnam, Colonel J. Ross Franklin and Major General John Barnes: The Army isn't going to try itself and find itself guilty. It's ludicrous to hold the Army responsible for war crimes investigations. Westmoreland has said publicly over and over again that even if war crimes have been committed he doesn't consider himself responsible for them . . . . Now if that Japanese general [Yamashita, of whom more will follow] deserved to be hanged because war crimes were widespread among the troops under his command, what about Westmoreland? Some of the actions he ordered *directly* are violations of the Geneva Convention—forced relocation of civilians, for instance."

Atrocities committed in the field comprised only part of the list of charges advanced in the post World War II tribunals. More significant were the charges calling to account Japanese and German military and political leaders for their strategic planning. These were the war crimes connected with the very nature of the war. Condemned were the policies which made the indiscriminate and large-scale killing of civilians one of the most horrible features of the last world war.

Once again, the record of the United States has been less than clean. The already noted Philippine suppression policies are but one example of U.S. behavior which was severely condemned at Nuremberg when committed by other nations. U.S. conduct of the war was particularly brutal and included the torture of prisoners, the murder of innocent civilians, the destruction of the homes and property of non-combatants. In autumn of 1901, for instance, a Brigadier General Jacob H. Smith ordered a Major L.W.T. Walker to launch a raid on Samar, saying in so many words, "I want no prisoners. I wish you to kill and burn; the more you kill and burn, the better you will please me. . . The interior of Samar must be made a howling wilderness. (Reported by John Bassett Moore in his *Digest of International Law*.) Major Walker asked for clarification of the order: could the general supply a minimum age limit? To which General Smith replied, "Ten years of age."

Smith's decision was not an isolated one in this war. Rather, it conformed to the policies established in Washington and U.S. headquarters in the Islands for the prosecution of this first anti-guerilla war of the twentieth century (in fact, the term guerilla is Filipino). In the two years of fighting in the Philippines, the U.S. suffered four thousand dead; the Filipino dead, however, numbered 250,000.

Unlike General Smith—who was convicted of "conduct to the prejudice of good order and military discipline" and endured the "punishment" of a reprimand—few other Americans who have played a role in the shaping of policy of a criminal nature have ever been brought to justice.

The proximate cause of the United States entry into World War I was Germany's interference with American shipping, and violation of the rights of American nationals in its attempt to blockade Britain. Former President Theodore Roosevelt called the sinking of the British ship *Lusitania*, on which over 100 Americans perished, "piracy" and "murder" despite the fact that the ship carried ammunition. President Wilson stated before the war that the rights of neutrals (like the United States) to pass through blockades was "nothing less high and sacred than the rights of humanity." The deprivations in England caused by the German blockade were proclaimed in the United States as evidence of the barbarity of Germany and its leaders. Yet, once having declared war, the United States abandoned the issue of neutral rights. In fact, the United States Navy joined in the mining of the North Sea and in the British blockade of Germany, a blockade which caused suffering in Germany sufficient to be one of the causes not only of the German armistice request of 1918 but also, since the blockade continued, of German acceptance of the Versailles Treaty.

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It should be remembered that after the war, the victorious powers attempted to try certain Germans, including the Kaiser, for war crimes. Although very few of the cases ever reached trial, and all of these were in German courts before German judges, two convictions were rendered against two individuals for their part in the sinking of a British hospital ship, the *Llandovery Castle*. Significantly, one of the factors which dissuaded the Allies from pressing for a full blown international tribunal to judge German war crimes was the report that the Germans were also preparing a list—of Allied war criminals.

This feature of victor's justice, the non-recognition of war crimes also committed by the victor, runs throughout the Nuremberg proceedings. Admiral Doenitz, for example, was charged with violating the rules of naval warfare by not directing that care be taken to safeguard civilian passengers of target vessels. That this was true, Doenitz admitted; his defense was *tu quoque*, that Allied conduct was no different. Sustaining Doenitz, and probably sparing his life, was American Admiral Chester Nimitz who, in a deposition to the tribunals, declared that U.S. submarine policy from the first day of the war was the same as Germany's.

While clearly serving the interests of leaders, this policy of redefining away war crimes when committed by the victors has carried dreadful consequences for civilians. Actions which for centuries were regarded as abominable—the killing of non-combatants—have become the essence of modern war. The United States, far from working to reverse this trend, has actually reinforced and refined it.

What Lewis Mumford has called "mass extermination of civilians from the air," the deliberate bombing of population centers, was first advocated by an American, Billy Mitchell. The pursuit of this policy by both sides during World War Ii contributed significantly to the total war death toll of over 25 million. While the Axis partners excelled in mass extermination of civilians on the ground, the Allies excelled from the air. The first bombing of Dresden, for instance, killed 105,000 civilians as surely and as horribly as if they had been marched to concentration camps for extermination.

Much has been made of the German preoccupation with efficiency in slaughter. Our Allies, the British, however, were also interested in efficient murder; C.P. Snow notes, in his book *Science and Government*, a policy paper which "described in quantitative terms, the effect on Germany of a British bombing offensive in the next eighteen months (approximately, March, 1942-September, 1943). The bombing must be directed essentially against German working-class houses. Middle-class houses have too much space round them and so are bound to waste bombs. . . " With Hiroshima and Nagasaki, the United States demonstrated unparalleled efficiency: for each city, one plane with one bomb killed between 120 and 240 thousand human beings.

American strategic policy planners, immune from and apparently still unmindful of the Nuremberg proceedings, have continued to specify the murder of civilians to achieve war ends. The civilian casualties of the Vietnam war have not been accidental. Instead, for the most part, they are the product of deliberate policy decisions. American planners considered the South Vietnamese rural population, if not the enemy, at least an asset of the enemy. To the end of denying this asset to the Vietcong, either directly—through its extermination—or indirectly—by driving it from the countryside to refugee camps—the United States has used air and artillery power to destroy the rural population. By 1967, for example, in Quangnai Province about 70 per cent of the 450 hamlets had been destroyed. Furthermore, the Kennedy subcommittee, which investigated the cost of the war to Vietnamese civilians, estimated that the Allies had killed at least 150,000 non-combatants, wounded or maimed over 350,000 and made refugees of over 5,000,000. To get some idea of the significance of these statistics, consider that if a similar war had been fought in the United States, over 1,975,000 Americans would now be dead, 4,375,000 injured and 65,000,000 refugees.

It has been argued by the more apologetic that from the outset the Vietnam war has been one long mistake—that the United States had blundered into a guerilla war for which it was unprepared and, once engaged, for which it could not develop an effective strategy for ending. An analogy frequently used to portray the American position is that of a trapped giant flopping and flailing and inadvertently causing destruction in an attempt to extricate itself. Nevertheless, regardless of the veracity of the apologetics or the accuracy of the analogy, the stark fact remains that the United States has plundered and murdered in Vietnam on a scale virtually beyond comprehension.

To the murdered Vietnamese, U.S. intentions are irrelevant—they are just as dead. On the basis of the war crimes tribunals, U.S. intentions are also irrelevant to the assessment of the guilt of strategic policy planners. The Yamashita case is valuable in determining the culpability of these planners in Vietnam.

The Japanese on the Philippines in the closing days of World War II were confronted by two problems, the U.S. invasion and 100,000 guerillas (who were American armed and supplied). Dealing with both problems proved impossible for the Japanese commanding officer, General Tomoyuki Yamashita, as American air and ground forces cut his lines of communication and control of his forces. Japanese commanders, now isolated from their headquarters, were driven to desperate measures to cope with the situation, particularly with the guerillas.

Ironically, Japanese behavior in the Philippines was little different than that of U.S. troops forty years before. Barrios which supported guerillas were levelled. Indiscriminate slaughter of Filipinos was committed. Punitive raids against towns in strong guerilla areas were conducted. Suspected guerillas were tortured and executed. After the Japanese surrender, the United States charged General Yamashita with responsibility for the policies pursued by his troops. Yamashita's crime was not, however, that he had ordered the commission of war crimes. Instead Yamashita was charged with merely having failed, in the words of the indictment, "to control the operations of the members of his command, permitting them to commit brutal atrocities and other high crimes." ⊖

O'Hair Interview

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blatantly anti-humanistic, then you have already foregone any kind of justice that you can mete out." These are common situations throughout the United States.

Outlook [W.B.]: It seems to me that any problem an atheist has in the court system is probably double for an anarchist.

O'Hair: Yes, I don't see how any anarchist can have any kind of justice. I think Sacco-Vanzetti and the Haymarket riots, even though these people weren't individualist anarchists, and the entire history of the suppression of the IWW gives a clear indication that the courts only utilize power in order to suppress the voices of these people. But more important, I think, is to get to the newspapers. I have wanted a great number of dissident groups to get together with me, because we haven't been able to muster enough funds ourselves, to purchase a single page in the newspaper once a week. So we could have all dissent in the *New York Times* on a one-page purchased ad. If you have a small magazine that only goes to an esoteric group of 500-1,000 people who already agree with you, you're really talking to yourself; it's no good. We have to reach out to get people on a larger scale. *The New York Times* would be an appropriate paper to buy a full page in, and put the kind of message down that we want to present. We should also have syndicated shows which appear on every radio in the United States, featuring voices of dissent. If we would all get together in order to purchase this time, I think the FCC and the court system itself would have to pay attention. Can you imagine the infighting there would be, who was to go where and when and so on? But that would be our business.

The same thing with prime time on television. It's ridiculous that the President can use prime-time television at his leisure, and no one can do anything at all about it.

Outlook [W.B.]: Before you mentioned a free market in ideas. I wonder if you would ex-