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THE CASE AGAINST HENRY KISSINGER.(former Secretary of State)

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PART ONE

The making of a war criminal

THE 1968 ELECTION INDOCHINA * CHILE

It will become clear, and may as well be stated at the outset, that this is written by a political opponent of Henry Kissinger. Nonetheless, I have found myself continually amazed at how much hostile and discreditable material I have felt compelled to omit. I am concerned only with those Kissingerian offenses that might or should form the basis of a legal prosecution: for war crimes, for crimes against humanity, and for offenses against common or customary or international law, including conspiracy to commit murder, kidnap, and torture.

Thus, I might have mentioned Kissinger's recruitment and betrayal of the Iraqi Kurds, who were falsely encouraged by him to take up arms against Saddam Hussein in 1972-75, and who were then abandoned to extermination on their hillsides when Saddam Hussein made a diplomatic deal with the Shah of Iran, and who were deliberately lied to as well as abandoned. The conclusions of the report by Congressman Otis Pike still make shocking reading and reveal on Kissinger's part a callous indifference to human life and human rights. But they fall into the category of depraved realpolitik and do not seem to have violated any known law.

In the same way, Kissinger's orchestration of political and military and diplomatic cover for apartheid in South Africa presents us with a morally repulsive record and includes the appalling consequences of the destabilization of Angola. Again, though, one is looking at a sordid period of Cold War and imperial history, and an exercise of irresponsible power, rather than an episode of organized crime. Additionally, one must take into account the institutional nature of this policy, which might in outline have been followed under any administration, national security adviser, or secretary of state.

Similar reservations can be held about Kissinger's chairmanship of the Presidential Commission on Central America in the early 1980s, which was staffed by Oliver North and which whitewashed death-squad activity on the isthmus. Or about the political protection provided by Kissinger, while in office, for the Pahlavi dynasty in Iran and its machinery of torture and repression. The list, it is sobering to say, could be protracted very much further. But it will not do to blame the whole exorbitant cruelty and cynicism of decades on one man.

(Occasionally one gets an intriguing glimpse, as when Kissinger urges President Ford not to receive the inconvenient Alexandr Solzhenitsyn, all the while posing as Communism's most daring and principled foe.)

No, I have confined myself to the identifiable crimes that can and should be placed on a proper bill of indictment, whether the actions taken were in line with general "policy" or not. These include, in this installment, the deliberate mass killing of civilian populations in Indochina and the personal suborning and planning of murder of a senior constitutional officer in a democratic nation--Chile--with which the United States was not at war. In a second installment we will see that this criminal habit of mind extends to Bangladesh, Cyprus, East Timor, and even to Washington, D.C.

Some of these allegations can be constructed only prima facie, since Mr. Kissinger--in what may also amount to a deliberate and premeditated obstruction of justice--has caused large tranches of evidence to be withheld or possibly destroyed. We now, however, enter upon the age when the defense of "sovereign immunity" for state crimes has been held to be void. As I demonstrate below, Kissinger has understood this decisive change even if many of his critics have not. The House of Lords' ruling in London, on the international relevance of General Augusto Pinochet's crimes, added to the splendid activism of the Spanish magistracy and the verdicts of the International Tribunal at The Hague, has destroyed the shield that immunized crimes committed under the justification of raison d'etat. There is now no reason why a warrant for the trial of Kissinger may not be issued in any one of a number of jurisdictions and no reason why he may not be compelled to answer it. Indeed, as I write, there are a number of jurisdictions where the law is at long last beginning to catch up with the evidence. And we have before us in any case the Nuremberg precedent, by which the United States solemnly undertook to be bound.

A failure to proceed will constitute a double or triple offense to justice. First, it will violate the essential and now uncontested principle that not even the most powerful are above the law. Second, it will suggest that prosecutions for war crimes and crimes against humanity are reserved for losers, or for minor despots in relatively negligible countries. This in turn will lead to the paltry politicization of what could have been a noble process and to the justifiable suspicion of double standards.

Many if not most of Kissinger's partners in politics, from Greece to Chile to Argentina to Indonesia, are now in jail or awaiting trial. His own lonely impunity is rank; it smells to heaven. If it is allowed to persist then we shall shamefully vindicate the ancient philosopher Anacharsis, who maintained that laws were like cobwebs--strong enough to detain only the weak and too weak to hold the strong. In the name of innumerable victims known and unknown, it is time for justice to take a hand.

REGARDING HENRY

On December 2, 1998, Michael Korda was being interviewed on camera in his office at Simon & Schuster. As one of the reigning magnates of New York publishing, he had edited and "produced" the work of authors as various as Tennessee Williams, Richard Nixon, Joan Crawford, and Joe Bonanno. On this particular day, he was talking about the life and thoughts of Cher, whose portrait adorned the wall behind him. And then the telephone rang and there was a message to call "Dr." Henry Kissinger as soon as possible. A polymath

like Korda knows--what with the exigencies of publishing in these vertiginous days--how to switch in an instant between Cher and high statecraft. The camera kept running, and recorded the following scene for a tape that I possess:

Asking his secretary to get the number (759-7919--the digits of Kissinger Associates), Korda quips dryly, to general laughter in the office, that it "should be 1-800-CAMBODIA ... 1-800-BOMB-CAMBODIA." After a pause of nicely calibrated duration (no senior editor likes to be put on hold while he's receiving company, especially media company) it's "Henry--Hi, how are you? ... You're getting all the publicity you could want in the New York Times but not the kind you want ... I also think it's very, very dubious for the administration to simply say yes, they'll release these papers ... no ... no, absolutely ... no ... no ... well, hmmm, yeah. We did it until quite recently, frankly, and he did prevail ... Well, I don't think there's any question about that, as uncomfortable as it may be ... Henry, this is totally outrageous ... yeah ... also the jurisdiction. This is a Spanish judge appealing to an English court about a Chilean head of state. So it's, it ... Also, Spain has no rational jurisdiction over events in Chile anyway, so that makes absolutely no sense ... Well, that's probably true ... If you would. I think that would be by far and away the best ... Right, yeah, no, I think it's exactly what you should do, and I don't think it should be long, and I think it should end with your father's letter. I think it's a very important document ... Yes, but I think the letter is wonderful, and central to the entire book. Can you let me read the Lebanon chapter over the weekend?" At this point the conversation ends, with some jocular observations by Korda about his upcoming colonoscopy: "a totally repulsive procedure."

By means of the same tiny internal camera, or its forensic equivalent, one could deduce not a little about the world of Henry Kissinger from this microcosmic exchange. The first and most important is this: Sitting in his office at Kissinger Associates, with its tentacles of business and consultancy stretching from Belgrade to Beijing, and cushioned by innumerable other directorships and boards, he still shudders when he hears of the arrest of a dictator. Syncopated the conversation with Korda may be, but it's clear that the keyword is "jurisdiction." What had the New York Times been reporting that fine morning? On December 2, 1998, its front page carried the following report from Tim Weiner, the paper's national-security correspondent in Washington. Under the headline "U.S. Will Release Files on Crimes Under Pinochet," he wrote:

> Treading into a political and diplomatic confrontation it tried to avoid, the United States decided today to declassify some secret documents on the killings and torture committed during the dictatorship of Augusto Pinochet in Chile....
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> The decision to release such documents is the first sign that the United States will cooperate in the case against General Pinochet. Clinton Administration officials said they believed the benefits of openness in human rights cases outweighed the risks to national security in this case. But the decision could open "a can of worms," in the words of a former Central Intelligence Agency official stationed in Chile, exposing the depth of the knowledge that the United States had about crimes charged against the Pinochet Government....
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> While some European government officials have supported bringing the former dictator to court, United States officials have stayed largely silent, reflecting skepticism about the Spanish court's power, doubts about international tribunals aimed at former foreign rulers, and worries over the implications for American leaders who might someday also be accused in foreign countries. [Italics added.]
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> President Richard M. Nixon and Henry A. Kissinger, who served as his national security advisor and Secretary of State, supported a right-wing coup in Chile in the early 1970s, previously declassified documents show.
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> But many of the actions of the United States during the 1973 coup, and much of what American leaders and intelligence services did in liaison with the Pinochet Government after it seized power, remain under the seal of national security. The secret files on the Pinochet regime are held by the

> C.I.A., the Defense Intelligence Agency, the State Department, the Pentagon, the National Security Council, the National Archives, the Presidential libraries of Gerald R. Ford and Jimmy Carter, and other Government agencies. According to Justice Department records, these files contain a history of human rights abuses and international terrorism:
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> * In 1975 State Department diplomats in Chile protested the Pinochet regime's record of killing and torture, filing dissents to American foreign policy with their superiors in Washington.
>
> * The C.I.A. has files on assassinations by the regime and the Chilean secret police. The intelligence agency also has records on Chile's attempts to establish an international right-wing covert-action squad.
>
> * The Ford Library contains many of Mr. Kissinger's secret files on Chile, which have never been made public. Through a secretary, Mr. Kissinger declined a request for an interview today.

One must credit Kissinger with grasping what so many other people did not: that if the Pinochet precedent became established, then he himself was in some danger. The United States believes that it alone pursues and indicts war criminals and "international terrorists"; nothing in its political or journalistic culture yet allows for the thought that it might be harboring and sheltering such a senior one. Yet the thought had very obliquely surfaced in Weiner's story, and Kissinger was a worried man when he called his editor that day to discuss the concluding volume of his memoirs (eventually published under the unbearably dull and self-regarding title Years of Renewal), which was still in progress.

"Harboring and sheltering," though, are understatements for the lavishness of Henry Kissinger's circumstances. His advice is sought, at $30,000 an appearance, by audiences of businessmen and academics and policymakers. His turgid newspaper column is syndicated by the Los Angeles Times and appears as far afield as the Washington Post. His first volume of memoirs was in part written, and also edited, by Harold Evans, who with Tina Brown is among the many hosts and hostesses who solicit Kissinger's company, or perhaps one should say society, for their New York soirees. At different times, he has been a consultant to ABC News and CBS; his most successful diplomacy, indeed, has probably been conducted with the media (and his single greatest achievement has been to get almost everybody to call him "Doctor"). Fawned on by Ted Koppel, sought out by corporations and despots with "image" problems or "failures of communication," and given respectful attention by presidential candidates and those whose task it is to "mold" their global vision, this man wants for little in the pathetic universe that the "self-esteem" industry exists to serve. Of whom else would Norman Podhoretz write, in a bended-knee encomium to the second volume of Kissinger's memoirs, Years of Upheaval:

> What we have here is writing of the very highest order. It is writing that is equally at ease in portraiture and abstract analysis; that can shape a narrative as skillfully as it can paint a scene; that can achieve marvels of compression while moving at an expansive and leisurely pace. It is writing that can shift without strain or falsity of tone from the gravitas befitting a book about great historical events to the humor and irony dictated by an unfailing sense of human proportion.

A critic who can suck like that, as was once dryly said by one of my moral tutors, need never dine alone. Nor need his subject. Except that, every now and then, the recipient (and donor) of so much sycophancy feels a tremor of anxiety. He leaves the well-furnished table and scurries to the bathroom. Is it perhaps another disclosure on a newly released Nixon tape? Some stray news from Indonesia portending the fall or imprisonment of another patron (and perhaps the escape of an awkward document or two)? The arrest or indictment of a torturer or assassin; the expiry of the statute of secrecy for some obscure cabinet papers in a faraway country? Any one of these can instantly spoil his day. As we see from the Korda tape, Kissinger cannot open the morning paper with the assurance of tranquillity. Because he knows what others can only suspect, or guess at. And he is a prisoner of the knowledge, as, to some

extent, are we.

Notice the likable way in which Michael Korda demonstrates his broad-mindedness with the Cambodia jest. Everybody "knows," after all, that Kissinger inflicted terror and misery and mass death on that country, and great injury to the United States Constitution at the same time. (Everybody also "knows" that other vulnerable nations can lay claim to the same melancholy and hateful distinction as Cambodia, with incremental or "collateral" damage to American democracy keeping pace.) Yet the pudgy man standing in black tie at the Vogue party is not, surely, the man who ordered and sanctioned the destruction of civilian populations, the assassination of inconvenient politicians, the kidnapping and disappearance of soldiers and journalists and clerics who got in his way. Oh, but he is. He's exactly the same man. And that may be among the most nauseating reflections of all. Kissinger is not invited and feted because of his exquisite manners or his mordant wit (his manners are in any case rather gross, and his wit consists of a quiver of borrowed and secondhand darts). No, he is sought after because his presence supplies a frisson, the authentic touch of raw and unapologetic power. There's a slight guilty nervousness on the edge of Korda's gag about the indescribable sufferings of Indochina. And I've noticed, time and again, standing at the back of the audience during Kissinger speeches, that laughter of the nervous, uneasy kind is the sort of laughter he likes to provoke. In exacting this tribute, he flaunts not the "aphrodisiac" of power (another of his plagiarized bons mots) but its pornography.

DRESS REHEARSAL: THE SECRET OF '68

There exists, within the political class of Washington, D.C., an open secret that is too momentous and too awful to tell. Although it is well known to academic historians, senior reporters, former Cabinet members, and ex-diplomats, it has never been summarized all at one time in any one place. The reason for this is, on first viewing, paradoxical. The open secret is in the possession of both major political parties, and it directly implicates the past statecraft of at least three former presidencies. Thus, its full disclosure would be in the interest of no particular faction. Its truth is therefore the guarantee of its obscurity; it lies like Poe's "purloined letter" across the very aisle that signifies bipartisanship.

Here is the secret in plain words. In the fall of 1968, Richard Nixon and some of his emissaries and underlings set out to sabotage the Paris peace negotiations on Vietnam. The means they chose were simple: they privately assured the South Vietnamese military rulers that an incoming Republican regime would offer them a better deal than would a Democratic one. In this way, they undercut both the talks themselves and the electoral strategy of Vice President Hubert Humphrey. The tactic "worked," in that the South Vietnamese junta withdrew from the talks on the eve of the election, thereby destroying the peace initiative on which the Democrats had based their campaign. In another way, it did not "work," because four years later the Nixon Administration tried to conclude the war on the same terms that had been on offer in Paris. The reason for the dead silence that still surrounds the question is that in those intervening years some 20,000 Americans and an uncalculated number of Vietnamese, Cambodians, and Laotians lost their lives. Lost them, that is to say, even more pointlessly than had those slain up to that point. The impact of those four years on Indochinese society, and on American democracy, is beyond computation. The chief beneficiary of the covert action, and of the subsequent slaughter, was Henry Kissinger.

I can already hear the guardians of consensus, scraping their blunted quills to

dismiss this as a "conspiracy theory." I happily accept the challenge. Let us take, first, the Diaries of that renowned conspirator (and theorist of conspiracy) H. R. Haldeman, published in May 1994. I choose to start with them for two reasons. First, because on the logical inference of "evidence against interest" it is improbable that Mr. Haldeman would supply evidence of his knowledge of a crime, unless he was (posthumously) telling the truth. Second, because it is possible to trace back each of his entries to its origin in other documented sources.

In January 1973, the Nixon-Kissinger Administration--for which Haldeman took the minutes--was heavily engaged on two fronts. In Paris again, Henry Kissinger was striving to negotiate "peace with honor" in Vietnam. In Washington, D.C., the web of evidence against the Watergate burglars and buggers was beginning to tighten. On January 8, 1973, Haldeman records:

> John Dean called to report on the Watergate trials, says that if we can prove in any way by hard evidence that our [campaign] plane was bugged in '68, he thinks that we could use that as a basis to say we're going to force Congress to go back and investigate '68 as well as '72, and thus turn them off.

Three days later, on January 11, 1973, Haldeman hears from Nixon ("the P," as the Diaries call him):

> On the Watergate question, he wanted me to talk to [Attorney General John] Mitchell and have him find out from [Deke] De Loach [of the FBI] if the guy who did the bugging on us in 1968 is still at the FBI, and then [FBI acting director Patrick] Gray should nail him with a lie detector and get it settled, which would give us the evidence we need. He also thinks I ought to move with George Christian [President Johnson's former press secretary, then working with Democrats for Nixon], get LBJ to use his influence to turn off the Hill investigation with Califano, Hubert, and so on. Later in the day, he decided that wasn't such a good idea, and told me not to do it, which I fortunately hadn't done.

On the same day, Haldeman reports Henry Kissinger calling excitedly from Paris, saying "he'll do the signing in Paris rather than Hanoi, which is the key thing." He speaks also of getting South Vietnam's President Thieu to "go along." On the following day:

> The P also got back on the Watergate thing today, making the point that I should talk to Connally about the Johnson bugging process to get his judgment as to how to handle it. He wonders if we shouldn't just have Andreas go in and scare Hubert. The problem in going at LBJ is how he'd. react, and we need to find out from [Deke] De Loach who did it, and then run a lie detector on him. I talked to Mitchell on the phone on this subject and he said De Loach had told him he was up to date on the thing because he had a call from Texas. A Star reporter was making an inquiry in the last week or so, and LBJ got very hot and called Deke and said to him that if the Nixon people are going to play with this, that he would release [deleted material--national security], saying that our side was asking that certain things be done. By our side, I assume he means the Nixon campaign organization. De Loach took this as a direct threat from Johnson.... As he recalls it, bugging was requested on the planes, but was turned down, and all they did was check the phone calls, and put a tap on the Dragon Lady [Mrs. Anna Chennault].

This bureaucratic prose may be hard to read, but it needs no cipher to decode itself. Under intense pressure about the bugging of the Watergate building, Nixon instructed his chief of staff, Haldeman, and his FBI contact, Deke DeLoach, to unmask the bugging to which his own campaign had been subjected in 1968. He also sounded out former president Johnson, through former senior Democrats like Texas governor John Connally, to gauge what his reaction to the disclosure might be. The aim was to show that "everybody does it." (By another bipartisan paradox, in Washington the slogan "they all do it" is used as a slogan for the defense rather than, as one might hope, for the prosecution.)

However, a problem presents itself at once: how to reveal the 1968 bugging without at the same time revealing what that bugging had been about. Hence the second thoughts ("wasn't such a good idea ..."). In his excellent introduction to The Haldeman Diaries, Nixon's biographer Professor Stephen Ambrose characterizes the 1973 approach to Lyndon Johnson as "prospective

blackmail," designed to exert backstairs pressure to close down a congressional inquiry. But he also suggests that Johnson, himself no pushover, had some blackmail ammunition of his own. As Professor Ambrose phrases it, the Diaries had been vetted by the National Security Council, and the bracketed deletion cited above is "the only place in the book where an example is given of a deletion by the NSC during the Carter Administration." "Eight days later Nixon was inaugurated for his second term," Ambrose relays. "Ten days later Johnson died of a heart attack. What Johnson had on Nixon I suppose we'll never know."

The professor's conclusion here is arguably too tentative. There is a well-understood principle known as "Mutual Assured Destruction," whereby both sides possess more than enough material with which to annihilate the other. The answer to the question of what the Johnson Administration "had" on Nixon is a relatively easy one. It was given in a book entitled Counsel to the President, published in 1991. Its author was Clark Clifford, the quintessential blue-chip Washington insider, who was assisted in the writing by Richard Holbrooke, the former assistant secretary of state and current ambassador to the United Nations. In 1968, Clark Clifford was secretary of defense and Richard Holbrooke was a member of the American negotiating team at the Vietnam peace talks in Paris.

From his seat in the Pentagon, Clifford had been able to read the intelligence transcripts that picked up and recorded what he terms a "secret personal channel" between President Thieu in Saigon and the Nixon campaign. The chief interlocutor at the American end was John Mitchell, then Nixon's campaign manager and subsequently attorney general (and subsequently Prisoner Number 24171-157 in the Maxwell Air Force Base prison camp). He was actively assisted by Madame Anna Chennault, known to all as the "Dragon Lady." A fierce veteran of the Taiwan lobby, and all-purpose right-wing intriguer, she was a social and political force in the Washington of her day and would rate her own biography.
Clifford describes a private meeting at which he, President Johnson, Secretary of State Dean Rusk, and National Security Adviser Walt Rostow were present. Hawkish to a man, they kept Vice President Humphrey out of the loop. But, hawkish as they were, they were appalled at the evidence of Nixon's treachery. They nonetheless decided not to go public with what they knew. Clifford says that this was because the disclosure would have ruined the Paris talks altogether. He could have added that it would have created a crisis of confidence in American institutions. There are some things that the voters can't be trusted to know. And even though the bugging had been legal, it might not have looked like fair play. (The Logan Act flatly prohibits any American from conducting private diplomacy with a foreign power.)

In the event, Thieu pulled out of the negotiations anyway, ruining them just three days before the election. Clifford is in no doubt of the advice on which he did so:

> The activities of the Nixon team went far beyond the bounds of justifiable political combat. It constituted direct interference in the activities of the executive branch and the responsibilities of the Chief Executive, the only people with authority to negotiate on behalf of the nation. The activities of the Nixon campaign constituted a gross, even potentially illegal, interference in the security affairs of the nation by private individuals.

Perhaps aware of the slight feebleness of his lawyerly prose, and perhaps a little ashamed of keeping the secret for his memoirs rather than sharing it with the electorate, Clifford adds in a footnote:

It should be remembered that the public was considerably more innocent in such matters in the days before the Watergate hearings and the 1975 Senate investigation of the CIA.

Perhaps the public was indeed more innocent, if only because of the insider reticence of white-shoe lawyers like Clifford, who thought there were some things too profane to be made known. He claims now that he was in favor either of confronting Nixon privately with the information and forcing him to desist, or else of making it public. Perhaps this was indeed his view.

A more wised-up age of investigative reporting has brought us several updates on this appalling episode. And so has the very guarded memoir of Richard Nixon himself. More than one "back channel" was required for the Republican destabilization of the Paris peace talks. There had to be secret communications between Nixon and the South Vietnamese, as we have seen. But there also had to be an informant inside the incumbent administration's camp, a source of hints and tips and early warnings of official intentions. That informant was Henry Kissinger. In his own account, RN : The Memoirs of Richard Nixon, the disgraced elder statesman tells us that, in mid-September 1968, he received private word of a planned bombing halt. In other words, the Johnson Administration would, for the sake of the negotiations, consider suspending its aerial bombardment of North Vietnam. This most useful advance intelligence, Nixon tells us, came "through a highly unusual channel." It was more unusual even than he acknowledged. Kissinger had until then been a devoted partisan of Nelson Rockefeller, the matchlessly wealthy prince of liberal Republicanism. His contempt for the person and the policies of Richard Nixon was undisguised. Indeed, President Johnson's Paris negotiators, led by Averell Harriman, considered Kissinger to be almost one of themselves. He had made himself helpful, as Rockefeller's chief foreign-policy adviser, by supplying French intermediaries with their own contacts in Hanoi. "Henry was the only person outside of the government we were authorized to discuss the negotiations with," Richard Holbrooke told Walter Isaacson. "We trusted him. It is not stretching the truth to say that the Nixon campaign had a secret source within the U.S. negotiating team."

So the likelihood of a bombing halt, wrote Nixon, "came as no real surprise to me." He added: "I told Haldeman that Mitchell should continue as liaison with Kissinger and that we should honor his desire to keep his role completely confidential." It is impossible that Nixon was unaware of his campaign manager's parallel role in colluding with a foreign power. Thus began what was effectively a domestic covert operation, directed simultaneously at thwarting the talks and embarrassing the Hubert Humphrey campaign.

Later in the month, on September 26 to be precise, and as recorded by Nixon in his memoirs, "Kissinger called again. He said that he had just returned from Paris, where he had picked up word that something big was afoot regarding Vietnam. He advised that if I had anything to say about Vietnam during the following week, I should avoid any new ideas or proposals." On the same day, Nixon declined a challenge from Humphrey for a direct debate. On October 12, Kissinger once again made contact, suggesting that a bombing halt might be announced as soon as October 23. And so it might have been. Except that for some reason, every time the North Vietnamese side came closer to agreement, the South Vietnamese increased their own demands. We now know why and how that was, and how the two halves of the strategy were knit together. As far back as July, Nixon had met quietly in New York with the South Vietnamese ambassador, Bui Diem. The contact had been arranged by Anna Chennault. Bugging of the South Vietnamese offices in Washington, and surveillance of the "Dragon Lady," showed how the ratchet operated. An intercepted cable from Diem to President Thieu on the fateful day of October 23 had him saying: "Many Republican friends have contacted me and

encouraged us to stand firm. They were alarmed by press reports to the effect that you had already softened your position." The wiretapping instructions went to one Cartha DeLoach, known as "Deke" to his associates, who was J. Edgar Hoover's FBI liaison officer to the White House. We met him, you may recall, in H. R. Haldeman's Diaries.

In 1999 the author Anthony Summers was finally able to gain access to the closed FBI file of intercepts of the Nixon campaign, which he published in his 2000 book, The Arrogance of Power: The Secret World of Richard Nixon. He was also able to interview Anna Chennault. These two breakthroughs furnished him with what is vulgarly termed a "smoking gun" on the 1968 conspiracy. By the end of October 1968, John Mitchell had become so nervous about official surveillance that he ceased taking calls from Chennault. And President Johnson, in a conference call to the three candidates, Nixon, Humphrey, and Wallace (allegedly to brief them on the bombing halt), had strongly implied that he knew about the covert efforts to stymie his Vietnam diplomacy. This call created near-panic in Nixon's inner circle and caused Mitchell to telephone Chennault at the Sheraton Park Hotel. He then asked her to call him back on a more secure line. "Anna," he told her, "I'm speaking on behalf of Mr. Nixon. It's very important that our Vietnamese friends understand our Republican position, and I hope you made that clear to them.... Do you think they really have decided not to go to Paris?"

The reproduced FBI original document shows what happened next. On November 2, 1968, the agent reported:

> MRS. ANNA CHENNAULT CONTACTED VIETNAMESE AMBASSADOR, BUI DIEM, AND ADVISED HIM THAT SHE HAD RECEIVED A MESSAGE FROM HER BOSS (NOT FURTHER IDENTIFIED), WHICH HER BOSS WANTED HER TO GIVE PERSONALLY TO THE AMBASSADOR. SHE SAID THAT THE MESSAGE WAS THAT THE AMBASSADOR IS TO "HOLD ON, WE ARE GONNA WIN" AND THAT HER BOSS ALSO SAID "HOLD ON, HE UNDERSTANDS ALL OF IT." SHE REPEATED THAT THIS IS THE ONLY MESSAGE. "HE SAID PLEASE TELL YOUR BOSS TO HOLD ON." SHE ADVISED THAT HER BOSS HAD JUST CALLED FROM NEW MEXICO.

Nixon's running mate, Spiro Agnew, had been campaigning in Albuquerque, New Mexico, that day, and subsequent intelligence analysis revealed that he and another member of his staff (the one principally concerned with Vietnam) had indeed been in touch with the Chennault camp.

The beauty of having Kissinger leaking from one side and Anna Chennault and John Mitchell conducting a private foreign policy on the other was this: It enabled Nixon to avoid being drawn into the argument over a bombing halt. And it further enabled him to suggest that it was the Democrats who were playing politics with the issue. On October 25, in New York, he used his tried-and-tested tactic of circulating an innuendo while purporting to disown it. Of LBJ's Paris diplomacy he said, "I am also told that this spurt of activity is a cynical, last-minute attempt by President Johnson to salvage the candidacy of Mr. Humphrey. This I do not believe."

Kissinger himself showed a similar ability to play both ends against the middle. In the late summer of 1968, on Martha's Vineyard, he had offered Nelson Rockefeller's files on Nixon to Professor Samuel Huntington, a close adviser to Hubert Humphrey. But when Huntington's colleague and friend Zbigniew Brzezinski tried to get him to make good on the offer, Kissinger became shy. "I've hated Nixon for years," he told Brzezinski, but the time wasn't quite ripe for the handover. Indeed, it was a very close-run election, turning in the end on the difference of a few hundred thousand votes, and many hardened observers believe that the final difference was made when Johnson ordered a bombing halt on October 31 and the South Vietnamese made him look like a fool by boycotting the peace talks two days later. Had things gone the other way, of course, Kissinger was a near-certainty for a senior job in a Humphrey administration.

With slight differences of emphasis, the larger pieces of this story appear in Haldeman's work as cited and in Clifford's memoir. They are also partially rehearsed in President Johnson's autobiography, The Vantage Point, and in a long reflection on Indochina by William Bundy (one of the architects of the war) entitled rather tritely The Tangled Web. Senior members of the press corps, among them Jules Witcover in his history of 1968, Seymour Hersh in his study of Kissinger, and Walter Isaacson, editor of Time magazine, in his admiring but critical biography, have produced almost congruent accounts of the same abysmal episode. The only mention of it that is completely and utterly false, by any literary or historical standard, appears in the memoirs of Henry Kissinger himself. He writes just this:

> Several Nixon emissaries--some self-appointed--telephoned me for counsel. I took the position that I would answer specific questions on foreign policy, but that I would not offer general advice or volunteer suggestions. This was the same response I made to inquiries from the Humphrey staff.

This contradicts even the self-serving memoir of the man who, having won the 1968 election by these underhanded means, made as his very first appointment Henry Kissinger as national security adviser. One might not want to arbitrate a mendacity competition between the two men, but when he made this choice Richard Nixon had only once, briefly and awkwardly, met Henry Kissinger in person. He clearly formed his estimate of the man's abilities from more persuasive experience than that. "One factor that had most convinced me of Kissinger's credibility," wrote Nixon later in his own delicious prose, "was the length to which he went to protect his secrecy."

That ghastly secret is now out. In the January 1969 issue of the Establishment house organ Foreign Affairs, published a few days after his appointment as Nixon's right-hand man, there appeared Henry Kissinger's own evaluation of the Vietnam negotiations. On every point of substance, he agreed with the line taken in Paris by the Johnson-Humphrey negotiators. One has to pause for an instant to comprehend the enormity of this. Kissinger had helped elect a man who had surreptitiously promised the South Vietnamese junta a better deal than they would get from the Democrats. The Saigon authorities then acted, as Bundy ruefully confirms, as if they did indeed have a deal. This meant, in the words of a later Nixon slogan, "Four More Years." But four more years of an unwinnable and undeclared and murderous war, which was to spread before it burned out, and was to end on the same terms and conditions as had been on the table in the fall of 1968.

This was what it took to promote Henry Kissinger. To promote him from a mediocre and opportunistic academic to an international potentate. The signature qualities were there from the inaugural moment: the sycophancy and the duplicity; the power worship and the absence of scruple; the empty trading of old non-friends for new non-friends. And the distinctive effects were also present: the uncounted and expendable corpses; the official and unofficial lying about the cost; the heavy and pompous pseudo-indignation when unwelcome questions were asked. Kissinger's global career started as it meant to go on. It debauched the American republic and American democracy, and it levied a hideous toll of casualties on weaker and more vulnerable societies.

THE CRIME OF WAR, AND BOMBING FOR VOTES

Even while compelled to concentrate on brute realities, one must never lose sight of that element of the surreal that surrounds Henry Kissinger. Paying a visit to Vietnam in the middle 1960s, when many technocratic opportunists were still convinced that the war was worth fighting and could be won, the

young Henry reserved judgment on the first point but developed considerable private doubts on the second. He had gone so far as to involve himself with an initiative that extended to direct personal contact with Hanoi. He became friendly with two Frenchmen who had a direct line to the Communist leadership in North Vietnam's capital. Raymond Aubrac, a French civil servant who was a friend of Ho Chi Minh, and Herbert Marcovich, a French microbiologist, began a series of trips to North Vietnam. On their return, they briefed Kissinger in Paris. He in his turn parlayed their information into high-level conversations in Washington, relaying the actual or potential negotiating positions of Pham Van Dong and other Communist statesmen to Defense Secretary Robert McNamara. (In the result, the relentless bombing of the North made any "bridge-building" impracticable. In particular, the now forgotten American destruction of the Paul Doumer Bridge outraged the Vietnamese side.)
This weightless mid-position, which ultimately helped enable his double act in 1968, allowed Kissinger to ventriloquize Governor Rockefeller and to propose, by indirect means, a future detente with America's chief rivals. In his first major address as a candidate for the Republican nomination in 1968, Rockefeller spoke ringingly of how "in a subtle triangle with Communist China and the Soviet Union, we can ultimately improve our relations with each--as we test the will for peace of both." [Italics added.]

This foreshadowing of a later Kissinger strategy might appear at first reading to illustrate prescience. But Governor Rockefeller had no more reason than Vice President Humphrey to suppose that his ambitious staffer would defect to the Nixon camp, risking and postponing this same detente in order later to take credit for a debased simulacrum of it.

Morally speaking, Kissinger treated the concept of superpower rapprochement in the same way as he treated the concept of a negotiated settlement in Vietnam: as something contingent on his own needs. There was a time to feign support of it and a time to denounce it as weak-minded and treacherous. And there was a time to take credit for it. Some of those who "followed orders" in Indochina may lay a claim to that notoriously weak defense. Some who even issued the orders may now tell us that they were acting sincerely at the time. But Kissinger cannot avail himself of this alibi. He always knew what he was doing, and he embarked upon a second round of protracted warfare having knowingly helped to destroy an alternative that he always understood was possible. This increases the gravity of the charge against him. It also prepares us for his improvised and retrospective defense against that charge: that his immense depredations eventually led to "peace." When he announced that "peace is at hand" in October 1972, he made a boastful and false claim that could have been made in 1968. And when he claimed credit for subsequent superpower contacts, he was announcing the result of a secret and corrupt diplomacy that had originally been proposed as an open and democratic one. In the meantime, he had illegally eavesdropped and shadowed American citizens and public servants whose misgivings about the war, and about unconstitutional authority, were mild compared with those of Messieurs Aubrac and Marcovich. In establishing what lawyers call the mens rea, we can say that in Kissinger's case he was fully aware of, and is entirely accountable for, his own actions.

Upon taking office at Richard Nixon's side in the winter of 1969, it was Kissinger's task to be plus royaliste que le roi in two respects. He had to confect a rationale of "credibility" for punitive action in an already devastated Vietnamese theater, and he had to second his principal's wish that he form

part of a "wall" between the Nixon White House and the Department of State. The term "two track" was later to become commonplace. Kissinger's position on both tracks, of promiscuous violence abroad and flagrant illegality at home, was decided from the start. He does not seem to have lacked relish for either commitment; one hopes faintly that this was not the first twinge of the "aphrodisiac."

President Johnson's "bombing halt" had not lasted long by any standard, even if one remembers that its original conciliatory purpose had been sordidly undercut. Averell Harriman, who had been LBJ's chief negotiator in Paris, later testified to Congress that the North Vietnamese had withdrawn 90 percent of their forces from the northern two provinces of South Vietnam, in October and November 1968, in accordance with the agreement of which the "halt" might have formed a part. In the new context, however, this withdrawal could be interpreted as a sign of weakness, or even as a "light at the end of the tunnel."

The historical record of the Indochina war is voluminous, and the resulting controversy no less so. This does not, however, prevent the following of a consistent thread. Once the war had been unnaturally and undemocratically prolonged, more exorbitant methods were required to fight it and more fantastic excuses had to be fabricated to justify it. Let us take four connected cases in which the civilian population was deliberately exposed to indiscriminate lethal force, in which the customary laws of war and neutrality were violated, and in which conscious lies had to be told in order to conceal these facts and others.

The first such case is an example of what Vietnam might have been spared had not the 1968 Paris peace talks been sabotaged. In December 1968, during the "transition" period between the Johnson and Nixon administrations, the United States military command turned to what General Creighton Abrams termed "total war" against the "infrastructure" of the Vietcong/National Liberation Front insurgency. The chief exhibit in this campaign was a six-month clearance of the province of Kien Hoa. The code name for the sweep was Operation "Speedy Express."

It might, in some realm of theory, be remotely conceivable that such tactics could be justified under the international laws and charters governing the sovereign rights of self-defense. But no nation capable of deploying the overwhelming and annihilating force described below would be likely to find itself on the defensive. And it would be least of all likely to find itself on the defensive on its own soil. So the Nixon-Kissinger Administration was not, except in one unusual sense, fighting for survival. The unusual sense in which its survival was at stake is set out, yet again, in the stark posthumous testimony of H. R. Haldeman. From his roost at Nixon's side he describes a Kissingerian moment on December 15, 1970:

> K[issinger] came in and the discussion covered some of the general thinking about Vietnam and the P's big peace plan for next year, which K later told me he does not favor. He thinks that any pullout next year would be a serious mistake because the adverse reaction to it could set in well before the `72 elections. He favors, instead, a continued winding down and then a pullout right at the fall of `72 so that if any bad results follow they will be too late to affect the election.

One could hardly wish for it to be more plainly put than that. (And put, furthermore, by one of Nixon's chief partisans with no wish to discredit the re-election.) But in point of fact, Kissinger himself admits to almost as much in his own first volume of memoirs, The White House Years. The context is a meeting with General de Gaulle, in which the old warrior demanded to know by what right the Nixon Administration subjected Indochina to devastating

bombardment. In his own account, Kissinger replies that "a sudden withdrawal might give us a credibility problem." (When asked "where?" Kissinger hazily proposed the Middle East.) It is important to bear in mind that the future flatterer of Brezhnev and Mao was in no real position to claim that he made war in Indochina to thwart either. He certainly did not dare try such a callow excuse on Charles de Gaulle. And indeed, the proponent of secret deals with China was in no very strong position to claim that he was combating Stalinism in general. No, it all came down to "credibility" and to the saving of face. It is known that 20,763 American, 109,230 South Vietnamese, and 496,260 North Vietnamese servicemen lost their lives in Indochina between the day that Nixon and Kissinger took office and the day in 1973 that they withdrew American forces and accepted the logic of 1968. Must the families of these victims confront the fact that the chief "faces" at risk were those of Nixon and Kissinger?

Thus the colloquially titled "Christmas bombing" of North Vietnam, continued after that election had been won, must be counted as a war crime by any standard. The bombing was not conducted for anything that could be described as "military reasons" but for twofold political ones. The first of these was domestic: a show of strength to extremists in Congress and a means of putting the Democratic Party on the defensive. The second was to persuade South Vietnamese leaders such as President Thieu--whose intransigence had been encouraged by Kissinger in the first place--that their objections to American withdrawal were too nervous. This, again, was the mortgage on the initial secret payment of 1968.

When the unpreventable collapse occurred in Cambodia and Vietnam, in April and May 1975, the cost was infinitely higher than it would have been seven years previously. These locust years ended as they had begun--with a display of bravado and deceit. On May 12, 1975, in the immediate aftermath of the Khmer Rouge seizure of power, Cambodian gunboats detained an American merchant vessel named the Mayaguez. The ship was stopped in international waters claimed by Cambodia and then taken to the Cambodian island of Koh Tang. In spite of reports that the crew had been released, Kissinger pressed for an immediate face-saving and "credibility"-enhancing strike. He persuaded President Gerald Ford, the untried and undistinguished successor to his deposed former boss, to send in the Marines and the Air Force. Out of a Marine force of 110, 18 were killed and 50 were wounded. Twenty-three Air Force men died in a crash. The United States used a 15,000-ton bomb on the island, the most powerful nonnuclear device that it possessed. Nobody has the figures for Cambodian deaths. The casualties were pointless, because the ship's company of the Mayaguez were nowhere on Koh Tang, having been released some hours earlier. A subsequent congressional inquiry found that Kissinger could have known of this by listening to Cambodian broadcasting or by paying attention to a third-party government that had been negotiating a deal for the restitution of the crew and the ship. It was not as if any Cambodians doubted, by that month of 1975, the willingness of the U.S. government to employ deadly force.

In Washington, D.C., there is a famous and hallowed memorial to the American dead of the Vietnam War. Known as the "Vietnam Veterans Memorial," it bears a name that is slightly misleading. I was present for the extremely affecting moment of its dedication in 1982 and noticed that the list of nearly 60,000 names is incised in the wall not by alphabet but by date. The first few names appear in 1959 and the last few in 1975. The more historically minded visitors can sometimes be heard to say that they didn't know the

United States was engaged in Vietnam as early or as late as that. Nor was the public supposed to know. The first names are of the covert operatives, sent in by Colonel Edward Lansdale without congressional approval to support French colonialism. The last names are of those thrown away in the Mayaguez fiasco. It took Henry Kissinger to ensure that a war of atrocity, which he had helped to prolong, should end as furtively and ignominiously as it had begun.

A SAMPLE OF CASES: KISSINGER'S WAR CRIMES IN INDOCHINA

Some statements are too blunt for everyday, consensual discourse. In national "debate," it is the smoother pebbles that are customarily gathered from the stream and used as projectiles. They leave less of a scar, even when they hit. Occasionally, however, a single hard-edged remark will inflict a deep and jagged wound, a gash so ugly that it must be cauterized at once. In January 1971 there was a considered statement from General Telford Taylor, who had been chief U.S. prosecuting counsel at the Nuremberg trials. Reviewing the legal and moral basis of those hearings, and also the Tokyo trials of Japanese war criminals and the Manila trial of Emperor Hirohito's chief militarist, General Yamashita Tomoyuki, Taylor said that if the standard of Nuremberg and Manila were applied evenly, and applied to the American statesmen and bureaucrats who designed the war in Vietnam, then "there would be a very strong possibility that they would come to the same end [Yamashita] did." It is not every day that a senior American soldier and jurist delivers the opinion that a large portion of his country's political class should probably be hooded and blindfolded and dropped through a trapdoor on the end of a rope.

In his book Nuremberg and Vietnam, General Taylor also anticipated one of the possible objections to this legal and moral conclusion. It might be argued for the defense, he said, that those arraigned did not really know what they were doing; in other words, that they had achieved the foulest results but from the highest and most innocent motives. The notion of Indochina as some Heart of Darkness "quagmire" of ignorant armies has been sedulously propagated, then and since, in order to make such a euphemism appear plausible. Taylor had no patience with such a view. American military and intelligence and economic and political teams had been in Vietnam, he wrote, for much too long to attribute anything they did "to lack of information." It might have been possible for soldiers and diplomats to pose as innocents until the middle of the 1960s, but after that time, and especially after the My Lai massacre of March 16, 1968, when serving veterans reported major atrocities to their superior officers, nobody could reasonably claim to have been uninformed, and of those who could, the least believable would be those who--far from the confusion of battle--read and discussed and approved the panoptic reports of the war that were delivered to Washington.

General Taylor's book was being written while many of the most reprehensible events of the Indochina war were still taking place, or still to come. He was unaware of the intensity and extent of, for example, the bombing of Laos and Cambodia. Enough was known about the conduct of the war, however, and about the existing matrix of legal and criminal responsibility, for him to arrive at some indisputable conclusions. The first of these concerned the particular obligation of the United States to be aware of, and to respect, the Nuremberg principles:

> Military courts and commissions have customarily rendered their judgments stark and unsupported by opinions giving the reasons for their decisions. The Nuremberg and Tokyo judgments, in contrast, were all based on extensive opinions detailing the evidence and analyzing the factual and legal issues, in the fashion of appellate tribunals generally. Needless to say they were

not of uniform quality, and often reflected the logical shortcomings of compromise, the marks of which commonly mar the opinions of multi-member tribunals. But the process was professional in a way seldom achieved in military courts, and the records and judgments in these trials provided a much-needed foundation for a corpus of judge-made international penal law. The results of the trials commended themselves to the newly formed United Nations, and on Dec. 11, 1946, the General Assembly adopted a resolution affirming "the principles of international law recognized by the Charter of the Nuremberg Tribunal and the judgment of the Tribunal."

However history may ultimately assess the wisdom or unwisdom of the war crimes trials, one thing is indisputable: At their conclusion, the United States Government stood legally, politically and morally committed to the principles enunciated in the charters and judgments of the tribunals. The President of the United States, on the recommendations of the Departments of State, War and Justice, approved the war crimes programs. Thirty or more American judges, drawn from the appellate benches of the states from Massachusetts to Oregon, and Minnesota to Georgia, conducted the later Nuremberg trials and wrote the opinions. General Douglas MacArthur, under authority of the Far Eastern Commission, established the Tokyo tribunal and confirmed the sentences it imposed, and it was under his authority as the highest American military officer in the Far East that the Yamashita and other such proceedings were held. The United States delegation to the United Nations presented the resolution by which the General Assembly endorsed the Nuremberg principles.

Thus the integrity of the nation is staked on those principles, and today the question is how they apply to our conduct of the war in Vietnam, and whether the United States Government is prepared to face the consequences of their application.

Facing and cogitating these consequences himself, General Taylor took issue with another United States officer, Colonel William Corson, who had written that

"[r]egardless of the outcome of ... the My Lai courts-martial and other legal actions, the point remains that American judgment as to the effective prosecution of the war was faulty from beginning to end and that the atrocities, alleged or otherwise, are a result of a failure of judgment, not criminal behavior."

To this Taylor responded:

Colonel Corson overlooks, I fear, that negligent homicide is generally a crime of bad judgment rather than evil intent. Perhaps he is right in the strictly causal sense that if there had been no failure of judgment, the occasion for criminal conduct would not have arisen. The Germans in occupied Europe made gross errors of judgment which no doubt created the conditions in which the slaughter of the inhabitants of Klissura [a Greek village annihilated during the Occupation] occurred, but that did not make the killings any the less criminal.

Referring this question to the chain of command in the field, General Taylor noted further that the senior officer corps had been

more or less constantly in Vietnam, and splendidly equipped with helicopters and other aircraft, which gave them a degree of mobility unprecedented in earlier wars, and consequently endowed them with every opportunity to keep the course of the fighting and its consequences under close and constant observation. Communications were generally rapid and efficient, so that the flow of information and orders was unimpeded.

These circumstances are in sharp contrast to those that confronted General Yamashita in 1944 and 1945, with his troops reeling back in disarray before the oncoming American military powerhouse. For failure to control his forces so as to prevent the atrocities they committed, Brig. Gens. Egbert F. Bullene and Morris Handwerk and Maj. Gens. James A. Lester, Leo Donovan and Russel B. Reynolds found him guilty of violating the laws of war and sentenced him to death by hanging.

Nor did General Taylor omit the crucial link between the military command and its political supervision; again a much closer and more immediate relationship in the American-Vietnamese instance than in the Japanese-Filipino one, as the regular contact between, say, General Creighton Abrams and Henry Kissinger makes clear:

How much the President and his close advisers in the White House, Pentagon and Foggy Bottom knew about the volume and cause of civilian casualties in Vietnam, and the physical devastation of the countryside, is speculative. Something was known, for the late John McNaughton (then Assistant Secretary of Defense) returned from the White House one day in 1967 with the message that "We seem to be proceeding on the assumption that the way to eradicate the Vietcong is to destroy all the village structures, defoliate all the jungles, and then cover the entire surface of South Vietnam with asphalt."

This was noticed (by Townsend Hoopes, a political antagonist of General Taylor's) before that metaphor had been extended into two new countries, Laos and Cambodia, without a declaration of war, a notification to Congress, or a warning to civilians to evacuate. But Taylor anticipated the Kissinger case in many ways when he recalled the trial of the Japanese statesman Koki Hirota,

who served briefly as Prime Minister and for several years as Foreign Minister between 1933 and May, 1938, after which he held no office

whatever. The so-called "rape of Nanking" by Japanese forces occurred during the winter of 1937-38, when Hirota was Foreign Minister. Upon receiving early reports of the atrocities, he demanded and received assurances from the War Ministry that they would be stopped. But they continued, and the Tokyo tribunal found Hirota guilty because he was "derelict in his duty in not insisting before the Cabinet that immediate action be taken to put an end to the atrocities," and "was content to rely on assurances which he knew were not being implemented." On this basis, coupled with his conviction on the aggressive war charge, Hirota was sentenced to be hanged.

Melvin Laird, as secretary of defense during the first Nixon Administration, was queasy enough about the early bombings of Cambodia, and dubious enough about the legality or prudence of the intervention, to send a memo to the Joint Chiefs of Staff, asking, "Are steps being taken, on a continuing basis, to minimize the risk of striking Cambodian people and structures? If so, what are the steps? Are we reasonably sure such steps are effective?" No evidence has surfaced that Henry Kissinger, as national security adviser or secretary of state, ever sought even such modest assurances. Indeed, there is much evidence of his deceiving Congress as to the true extent to which such assurances as were offered were deliberately false. Others involved--such as Robert McNamara; McGeorge Bundy, national security adviser to both Kennedy and Johnson; and William Colby--have since offered varieties of apology or contrition or at least explanation. Henry Kissinger, never. General Taylor described the practice of air strikes against hamlets suspected of "harboring" Vietnamese guerrillas as "flagrant violations of the Geneva Convention on Civilian Protection, which prohibits `collective penalties,' and `reprisals against protected persons,' and equally in violation of the Rules of Land Warfare." He was writing before this atrocious precedent had been extended to reprisal raids that treated two whole countries--Laos and Cambodia--as if they were disposable hamlets.

For Henry Kissinger, no great believer in the boastful claims of the war makers in the first place, a special degree of responsibility attaches. Not only did he have good reason to know that field commanders were exaggerating successes and claiming all dead bodies as enemy soldiers--a commonplace piece of knowledge after the spring of 1968--but he also knew that the issue of the war had been settled politically and diplomatically, for all intents and purposes, before he became national security adviser. Thus he had to know that every additional casualty, on either side, was not just a death but an avoidable death. With this knowledge, and with a strong sense of the domestic and personal political profit, he urged the expansion of the war into two neutral countries--violating international law--while persisting in a breathtakingly high level of attrition in Vietnam itself.

From a huge menu of possible examples, I have chosen cases that involve Kissinger directly and in which I have myself been able to interview surviving witnesses. The first, as foreshadowed above, is Operation "Speedy Express":

My friend and colleague Kevin Buckley, then a much admired correspondent and Saigon bureau chief for Newsweek, became interested in the "pacification" campaign that bore this breezy code name. Designed in the closing days of the Johnson-Humphrey Administration, it was put into full effect in the first six months of 1969, when Henry Kissinger had assumed much authority over the conduct of the war. The objective was the American disciplining, on behalf of the Thieu government, of the turbulent Mekong Delta province of Kien Hoa. On January 22, 1968, Robert McNamara had told the Senate that "no regular North Vietnamese units" were deployed in the Delta, and no military intelligence documents have surfaced to undermine his claim, so that the cleansing of the area cannot be understood as part of the general argument

about resisting Hanoi's unsleeping will to conquest. The announced purpose of the Ninth Division's sweep, indeed, was to redeem many thousands of villagers from political control by the National Liberation Front (NLF), or "Vietcong" (VC). As Buckley found, and as his magazine, Newsweek, partially disclosed at the rather late date of June 19, 1972,

> All the evidence I gathered pointed to a clear conclusion: a staggering number of noncombatant civilians--perhaps as many as 5,000 according to one official--were killed by U.S. firepower to "pacify" Kien Hoa. The death toll there made the My Lai massacre look trifling by comparison....
>
> The Ninth Division put all it had into the operation. Eight thousand infantrymen scoured the heavily populated countryside, but contact with the elusive enemy was rare. Thus, in its pursuit of pacification, the division relied heavily on its 50 artillery pieces, 50 helicopters (many armed with rockets and mini-guns) and the deadly support lent by the Air Force. There were 3,381 tactical air strikes by fighter bombers during "Speedy Express."...
>
> "Death is our business and business is good," was the slogan painted on one helicopter unit's quarters during the operation. And so it was. Cumulative statistics for "Speedy Express" show that 10,899 "enemy" were killed. In the month of March alone, "over 3,000 enemy troops were killed ... which is the largest monthly total for any American division in the Vietnam War," said the division's official magazine. When asked to account for the enormous body counts, a division senior officer explained that helicopter gun crews often caught unarmed "enemy" in open fields....
>
> There is overwhelming evidence that virtually all the Viet Cong were well armed. Simple civilians were, of course, not armed. And the enormous discrepancy between the body count [11,000] and the number of captured weapons [748] is hard to explain--except by the conclusion that many victims were unarmed innocent civilians....
>
> The people who still live in pacified Kien Hoa all have vivid recollections of the devastation that American firepower brought to their lives in early 1969. Virtually every person to whom I spoke had suffered in some way. "There were 5,000 people in our village before 1969, but there were none in 1970," one village elder told me. "The Americans destroyed every house with artillery, air strikes, or by burning them down with cigarette lighters. About 100 people were killed by bombing, others were wounded and others became refugees. Many were children killed by concussion from the bombs which their small bodies could not withstand, even if they were hiding underground."
>
> Other officials, including the village police chief, corroborated the man's testimony. I could not, of course, reach every village. But in each of the many places where I went, the testimony was the same: 100 killed here, 200 killed there.

Other notes by Buckley and his friend and collaborator Alex Shimkin (a worker for International Voluntary Services who was later killed in the war) discovered the same evidence in hospital statistics. In March 1969, the hospital at Ben Tre reported 343 patients injured by "friendly" fire and 25 by "the enemy," an astonishing statistic for a government facility to record in a guerrilla war in which suspected membership in the Vietcong could mean death. And Buckley's own citation for his magazine--of "perhaps as many as 5,000" deaths among civilians in this one sweep--is an almost deliberate understatement of what he was told by a United States official, who actually said that "at least 5,000" of the dead "were what we refer to as non-combatants"--a not too exacting distinction, as we have already seen, and as was by then well understood. [Italics mine.]

Well understood, that is to say, not just by those who opposed the war but by those who were conducting it. As one American official put it to Buckley,

> "The actions of the Ninth Division in inflicting civilian casualties were worse [than My Lai]. The sum total of what the 9th did was overwhelming. In sum, the horror was worse than My Lai. But with the 9th, the civilian casualties came in dribbles and were pieced out over a long time. And most of them were inflicted from the air and at night. Also, they were sanctioned by the command's insistence on high body-counts.... The result was an inevitable outcome of the unit's command policy."

The earlier sweep that had mopped up My Lai--during Operation "Wheeler Wallawa"--had also at the time counted all corpses as those of enemy soldiers, including the civilian population of the village, who were casually included in the mind-bending overall total of 10,000.

Confronted with this evidence, Buckley and Shimkin abandoned a lazy and

customary usage and replaced it, in a cable to Newsweek headquarters in New York, with a more telling and scrupulous one. The problem was not "indiscriminate use of firepower" but "charges of quite discriminating use--as a matter of policy in populated areas." Even the former allegation is a gross violation of the Geneva Convention; the second charge leads straight to the dock in Nuremberg or The Hague.

Since General Creighton Abrams publicly praised the Ninth Division for its work, and drew attention wherever and whenever he could to the tremendous success of Operation "Speedy Express," we can be sure that the political leadership in Washington was not unaware. Indeed, the degree of micromanagement revealed in Kissinger's memoirs quite forbids the idea that anything of importance took place without his knowledge or permission.

Of nothing is this more true than his own individual involvement in the bombing and invasion of neutral Cambodia and Laos. Obsessed with the idea that Vietnamese intransigence could be traced to allies or resources external to Vietnam itself, or could be overcome by tactics of mass destruction, Kissinger at one point contemplated using thermonuclear weapons to obliterate the pass through which ran the railway link from North Vietnam to China, and at another stage considered bombing the dikes that prevented North Vietnam's irrigation system from flooding the country. Neither of these measures (reported respectively in Tad Szulc's history of Nixon-era diplomacy, The Illusion of Peace, and by Kissinger's former aide Roger Morris) was taken, which removes some potential war crimes from our bill of indictment but which also gives an indication of the regnant mentality. There remained Cambodia and Laos, which supposedly concealed or protected North Vietnamese supply lines.

As in the cases postulated by General Telford Taylor, there is the crime of aggressive war and then there is the question of war crimes. In the postwar period, or the period governed by the U.N. Charter and its related and incorporated conventions, the United States under Democratic and Republican administrations had denied even its closest allies the right to invade countries that allegedly gave shelter to their antagonists. Most famously, President Eisenhower exerted economic and diplomatic pressure at a high level to bring an end to the invasion of Egypt by Britain, France, and Israel in October 1956. (The British thought Egyptian president Gamal Abdel Nasser should not control "their" Suez Canal, the French believed Nasser to be the inspiration and source of their troubles in Algeria, and the Israelis claimed that he played the same role in fomenting their difficulties with the Palestinians. The United States maintained that even if these propaganda fantasies were true, they would not retrospectively legalize an invasion of Egypt.) During the Algerian war of independence, the United States had also repudiated France's claimed right to attack a town in neighboring Tunisia that succored Algerian guerrillas, and in 1964, at the United Nations, Ambassador Adlai Stevenson had condemned the United Kingdom for attacking a town in Yemen that allegedly provided a rear guard for rebels operating in its then colony of Aden.

All this law and precedent was to be thrown to the winds when Nixon and Kissinger decided to aggrandize the notion of "hot pursuit" across the borders of Laos and Cambodia. As William Shawcross reported in his 1979 book, Sideshow, even before the actual territorial invasion of Cambodia, for example, and very soon after the accession of Nixon and Kissinger to power, a program of heavy bombardment of the country was prepared and executed in secret. One might with some revulsion call it a "menu" of bombardment, since the code names for the raids were "Breakfast," "Lunch," "Snack," "Dinner," and "Dessert." The raids were flown by B-52 bombers, which, it is important to

note, fly at an altitude too high to be observed from the ground and carry immense tonnages of high explosive; they give no warning of approach and are incapable of accuracy or discrimination. Between March 1969 and May 1970, 3,630 such raids were flown across the Cambodian frontier. The bombing campaign began as it was to go on--with full knowledge of its effect on civilians and flagrant deceit by Mr. Kissinger in this precise respect.

To wit, a memorandum prepared by the Joint Chiefs of Staff and sent to the Defense Department and the White House stated plainly that "some Cambodian casualties would be sustained in the operation" and that "the surprise effect of attack could tend to increase casualties." The target district for "Breakfast" (Base Area 353) was inhabited, explained the memo, by about 1,640 Cambodian civilians; "Lunch" (Base Area 609), by 198 of them; "Snack" (Base Area 351), by 383; "Dinner" (Base Area 352), by 770; and "Dessert" (Base Area 350), by about 120 Cambodian peasants. These oddly exact figures are enough in themselves to demonstrate that Kissinger must have been lying when he later told the Senate Foreign Relations Committee that areas of Cambodia selected for bombing were "unpopulated."
As a result of the expanded and intensified bombing campaigns, it has been officially estimated that as many as 350,000 civilians in Laos and 600,000 in Cambodia lost their lives. (These are not the highest estimates.) Figures for refugees are several multiples of that. In addition, the widespread use of toxic chemical defoliants created a massive health crisis that naturally fell most heavily on children, nursing mothers, the aged, and the already infirm. That crisis persists to this day.

Although this appalling war, and its appalling consequences, can and should be taken as a moral and political crisis for American institutions, for at least five United States presidents, and for American society, there is little difficulty in identifying individual responsibility during this, its most atrocious and indiscriminate stage. Richard Nixon, as commander in chief, bears ultimate responsibility and only narrowly escaped a congressional move to include his crimes and deceptions in Indochina in the articles of impeachment, the promulgation of which eventually compelled his resignation. But his deputy and closest adviser, Henry Kissinger, was sometimes forced, and sometimes forced himself, into a position of virtual co-presidency where Indochina was concerned.

For example, in the preparations for the invasion of Cambodia in 1970, Kissinger was caught between the views of his staff--several of whom resigned in protest when the invasion began--and his need to please his president. His president listened more to his two criminal associates--John Mitchell and Bebe Rebozo--than he did to his secretaries of state and defense, William Rogers and Melvin Laird, both of whom were highly skeptical about widening the war. On one especially charming occasion, Nixon telephoned Kissinger, while drunk, to discuss the invasion plans. He then put Bebe Rebozo on the line. "The President wants you to know if this doesn't work, Henry, it's your ass." "Ain't that right, Bebe?" slurred the commander in chief. (The conversation was monitored and transcribed by one of Kissinger's soon-to-resign staffers, William Watts.) It could be said that in this instance the national security adviser was under considerable pressure; nevertheless, he took the side of the pro-invasion faction and, according to the memoirs of General William Westmoreland, actually lobbied for that invasion to go ahead.

A somewhat harder picture is presented by former chief of staff H. R.

Haldeman in his Diaries. On December 22, 1970, he records:

> Henry came up with the need to meet with the P today with Al Haig and then tomorrow with Laird and Moorer because he has to use the P to force Laird and the military to go ahead with the P's plans, which they won't carry out without direct orders.

In his White House Years, Kissinger claims that he usurped the customary chain of command whereby commanders in the field receive, or believe that they receive, their orders from the president and then the secretary of defense. He boasts that he, together with Haldeman, Alexander Haig, and Colonel Ray Sitton, evolved "both a military and a diplomatic schedule" for the secret bombing of Cambodia. On board Air Force One, which was on the tarmac at Brussels airport on February 24, 1969, he writes, "we worked out the guidelines for bombing of the enemy's sanctuaries." A few weeks later, Haldeman's Diaries for March 17 record:

> Historic day. K[issinger]'s "Operation Breakfast" finally came off at 2:00 PM our time.
>
> K[issinger] really excited, as was P[resident].

The next day's entry:

> K[issinger]'s "Operation Breakfast" a great success. He came beaming in with report, very productive.

It only got better. On April 22, 1970, Haldeman reports that Nixon, following Kissinger into a National Security Council meeting on Cambodia, "turned back to me with a big smile and said, `K[issinger]'s really having fun today, he's playing Bismarck.'"

The above is an insult to the Iron Chancellor. When Kissinger was finally exposed in Congress and the press for conducting unauthorized bombings, he weakly pleaded that the raids were not all that secret, really, because Prince Sihanouk of Cambodia had known of them. He had to be reminded that a foreign princeling cannot give permission to an American bureaucrat to violate the United States Constitution. Nor, for that matter, can he give permission to an American bureaucrat to slaughter large numbers of his "own" civilians. It's difficult to imagine Bismarck cowering behind such a contemptible excuse. (Prince Sihanouk, it is worth remembering, later became an abject puppet of the Khmer Rouge.)

Colonel Sitton, the reigning expert on B-52 tactics at the Joint Chiefs of Staff, began to notice that by late 1969 his own office was being regularly overruled in the matter of selecting targets. "Not only was Henry carefully screening the raids," said Sitton, "he was reading the raw intelligence" and fiddling with the mission patterns and bombing runs. In other departments of Washington insiderdom, it was also noticed that Kissinger was becoming a Stakhanovite committeeman. Aside from the crucial 40 Committee, which planned and oversaw all foreign covert actions, he chaired the Washington Special Action Group (WSAG), which dealt with breaking crises; the Verification Panel, concerned with arms control; the Vietnam Special Studies Group, which oversaw the day-to-day conduct of the war; and the Defense Program Review Committee, which supervised the budget of the Defense Department.

It is therefore impossible for him to claim that he was unaware of the consequences of the bombings of Cambodia and Laos; he knew more about them, and in more intimate detail, than any other individual. Nor was he imprisoned in a culture of obedience that gave him no alternative, or no rival arguments. Several senior members of his own staff, most notably Anthony Lake and Roger Morris, resigned over the invasion of Cambodia, and more than two hundred State Department employees signed a protest addressed to Secretary of State William Rogers. Indeed, both Rogers and Secretary of Defense Melvin Laird were opposed to the secret bombing policy, as Kissinger himself records with some disgust in his memoirs. Congress also was opposed to an extension of the bombing (once it had agreed to become informed of it),

but even after the Nixon-Kissinger Administration had undertaken on Capitol Hill not to intensify the raids, there was a 21 percent increase of the bombing of Cambodia in the months of July and August 1973. The Air Force maps of the targeted areas show them to be, or to have been, densely populated. Colonel Sitton does recall, it must be admitted, that Kissinger requested the bombing avoid civilian casualties. His explicit motive in making this request was to avoid or forestall complaints from the government of Prince Sihanouk. But this does no more in itself than demonstrate that Kissinger was aware of the possibility of civilian deaths. If he knew enough to know of their likelihood, and was director of the policy that inflicted them, and neither enforced any actual precautions nor reprimanded any violators, then the case against him is legally and morally complete.

As early as the fall of 1970, an independent investigator named Fred Branfman, who spoke Lao and knew the country as a civilian volunteer, had gone to Bangkok and interviewed Jerome Brown, a former targeting officer for the United States Embassy in the Laotian capital of Vientiane. The man had retired from the Air Force because of his disillusionment at the futility of the bombing and his consternation at the damage done to civilians and society. The speed and height of the planes, he said, meant that targets were virtually indistinguishable from the air. Pilots often chose villages as targets, because they could be more readily identified than alleged Pathet Lao guerrillas hiding in the jungle. Branfman, whom I interviewed in San Francisco in the summer of 2000, went on to provide this and other information to Henry Kamm and Sydney Schanberg of the New York Times, to Ted Koppel of ABC, and to many others. Under pressure from the United States Embassy, the Laotian authorities had Branfman deported back to the United States, which was probably, from their point of view, a mistake. He was able to make a dramatic appearance on Capitol Hill on April 22, 1971, at a hearing held by Senator Edward Kennedy's subcommittee on refugees. His antagonist was the State Department's envoy, William Sullivan, a former ambassador to Laos. Branfman accused him in front of the cameras of helping to conceal evidence that Laotian society was being mutilated by ferocious aerial bombardment.

Partly as a consequence, Congressman Pete McCloskey of California paid a visit to Laos and acquired a copy of an internal U.S. Embassy study of the bombing. He also prevailed on the U.S. Air Force to furnish him with aerial photographs of the dramatic damage. Ambassador Sullivan was so disturbed by these pictures, some of them taken in areas known to him, that his first reaction was to establish to his own satisfaction that the raids had occurred after he left his post in Vientiane. (He was later to learn that, for his pains, his own telephone was being tapped at Henry Kissinger's instigation, one of the many such violations of American law that were to eventuate in the Watergate tapping-and-burglary scandal, a scandal that Kissinger was furthermore to plead--in an astounding outburst of vanity, deceit, and self-deceit--as his own alibi for collusion in the 1974 Cyprus crisis.)

Having done what he could to bring the Laotian nightmare to the attention of those whose constitutional job it was to supervise such questions, Branfman went back to Thailand and from there to Phnom Penh, capital of Cambodia. Having gained access to a pilot's radio, he tape-recorded the conversations between pilots on bombing missions over the Cambodian interior. On no occasion did they run any checks designed to reassure themselves and others that they were not bombing civilian targets. It had been definitely asserted, by named U.S. government spokesmen, that such checks were run. Branfman

handed the tapes to Sydney Schanberg, whose New York Times report on them was printed just before the Senate met to prohibit further blitzing of Cambodia (the very resolution that was flouted by Kissinger the following month).
From there Branfman went back to Thailand and traveled north to Nakhorn Phanom, the new headquarters of the U.S. Seventh Air Force. Here, a war room code-named Blue Chip served as the command and control center of the bombing campaign. Branfman was able to pose as a new recruit just up from Saigon and ultimately gained access to the war room itself. Consoles and maps and screens plotted the progress of the bombardment. In conversation with the "bombing officer" on duty, he asked if pilots ever made contact before dropping their enormous loads of ordnance. Oh, yes, he was assured, they did. Were they worried about hitting the innocent? Oh, no--merely concerned about the whereabouts of CIA "ground teams" infiltrated into the area. Branfman's report on this, which was carried by Jack Anderson's syndicated column, was uncontroverted by any official denial.

One reason that the American command in Southeast Asia finally ceased employing the crude and horrific tally of "body count" was that, as in the relatively small but specific case of Operation "Speedy Express" cited above, the figures began to look ominous when they were counted up. Sometimes, totals of "enemy" dead would turn out, when computed, to be suspiciously larger than the number of claimed "enemy" in the field. Yet the war would somehow drag on, with new quantitative goals being set and enforced. Thus, according to the Pentagon, the following are the casualty figures between the first Lyndon Johnson bombing halt in March 1968 and February 26, 1972: Americans: 31,205 South Vietnamese regulars: 86,101 "Enemy": 475,609

The U.S. Senate Subcommittee on Refugees estimated that in the same four-year period, rather more than 3 million civilians were killed, injured, or rendered homeless.

In the same four-year period, the United States dropped almost 4,500,000 tons of high explosive on Indochina. (The Pentagon's estimated total for the amount dropped in the entire Second World War is 2,044,000.) This total does not include massive sprayings of chemical defoliants and pesticides.

It is unclear how we count the murder or abduction of 35,708 Vietnamese civilians by the CIA's counterguerrilla "Phoenix program" during the first two and a half years of the Nixon-Kissinger Administration. There may be some "overlap." There is also some overlap with the actions of previous administrations in all cases. But the truly exorbitant death tolls all occurred on Henry Kissinger's watch; were known and understood by him; were concealed from Congress, the press, and the public by him; and were, when questioned, the subject of political and bureaucratic vendettas ordered by him. They were also partly the outcome of a secretive and illegal process in Washington, unknown even to most Cabinet members, of which Henry Kissinger stood to be, and became, a prime beneficiary.

On that closing point one may once again cite H. R. Haldeman, who had no further reason to lie and who had, by the time of his writing, paid for his crimes by serving a sentence in prison. Haldeman describes the moment in Florida when Kissinger was enraged by a New York Times story telling some part of

the truth about Indochina:

> Henry telephoned J. Edgar Hoover in Washington from Key Biscayne on the May morning the Times story appeared.
>
> According to Hoover's memo of the call, Henry said the story used "secret information which was extraordinarily damaging." Henry went on to tell Hoover that he "wondered whether I could make a major effort to find out where that came from ... and to put whatever resources I need to find out who did this. I told him I would take care of this right away."
>
> Henry was no fool, of course. He telephoned Hoover a few hours later to remind him that the investigation be handled discreetly "so no stories will get out." Hoover must have smiled, but said all right. And by five o'clock he was back on the telephone to Henry with the report that the Times reporter "may have gotten some of his information from the Southeast Asian desk of the Department of Defense's Public Affairs Office." More specifically, Hoover suggested the source could be a man named Mort Halperin (a Kissinger staffer) and another man who worked in the Systems Analysis Agency.... According to Hoover's memo, Kissinger "hoped I would follow it up as far as we can take it and they will destroy whoever did this if we can find him, no matter where he is."
>
> The last line of that memo gives an accurate reflection of Henry's rage, as I remember it.
>
> Nevertheless, Nixon was one hundred percent behind the wiretaps. And I was, too.
>
> And so the program started, inspired by Henry's rage but ordered by Nixon, who soon broadened it even further to include newsmen. Eventually, seventeen people were wiretapped by the FBI including seven on Kissinger's NSC staff and three on the White House staff.

And thus, the birth of the "plumbers" and of the assault on American law and democracy that they inaugurated. Commenting on the lamentable end of this process, Haldeman wrote that he still believed that ex-president Nixon (who was then still alive) should agree to the release of the remaining tapes. But:

> This time my view is apparently not shared by the man who was one reason for the original decision to start the taping process. Henry Kissinger is determined to stop the tapes from reaching the public....
>
> Nixon made the point that Kissinger was really the one who had the most to lose from the tapes becoming public. Henry apparently felt that the tapes would expose a lot of things he had said that would be very disadvantageous to him publicly.
>
> Nixon said that in making the deal for custody of his Presidential papers, which was originally announced after his pardon but then was shot down by Congress, that it was Henry who called him and insisted on Nixon's right to destroy the tapes. That was, of course, the thing that destroyed the deal.

A society that has been "plumbed" has the right to demand that its plumbers be compelled to make some restitution by way of full disclosure. The litigation to put the Nixon tapes in the public trust is only partially complete; no truthful account of the Vietnam years will be available until Kissinger's part in what we already know has been made fully transparent.

Until that time, Kissinger's role in the violation of American law at the close of the Vietnam War makes the perfect counterpart to the 1968 covert action that helped him to power in the first place. The two parentheses enclose a series of premeditated war crimes that still have power to stun the imagination.

CHILE (PART I): STATESMAN AS HITMAN

In a famous expression of his contempt for democracy, Kissinger once observed that he saw no reason why a certain country should be allowed to "go Communist due to the irresponsibility of its own people." The country concerned was Chile, which at the time of this remark had a justified reputation as the most highly evolved pluralistic democracy in the Southern Hemisphere of the Americas. The pluralism translated, in the years of the Cold War, into an electorate that voted about one-third conservative, one-third socialist and Communist, and one-third Christian Democratic and centrist. This had made it relatively easy to keep the Marxist element from having its turn in government, and ever since 1962 the CIA had--as it had in Italy and other comparable nations--largely contented itself with funding the reliable elements. In September 1970, however, the left's candidate actually gained a slight plurality of 36.2 percent in the presidential elections. Divisions on the right, and the

adherence of some smaller radical and Christian parties to the left, made it a moral certainty that the Chilean Congress would, after the traditional sixty-day interregnum, confirm Dr. Salvador Allende as the next president. But the very name of Allende was anathema to the extreme right in Chile, to certain powerful corporations (notably ITT, Pepsi-Cola, and the Chase Manhattan Bank) that did business in Chile and the United States, and to the CIA.
This loathing quickly communicated itself to President Nixon. He was personally beholden to Donald Kendall, the president of Pepsi-Cola, who had given him his first international account when, as a failed politician, he had joined a Wall Street law firm. A series of Washington meetings, within eleven days of Allende's electoral victory, essentially settled the fate of Chilean democracy. After discussions with Kendall, with David Rockefeller of Chase Manhattan, and with CIA director Richard Helms, Kissinger went with Helms to the Oval Office. Helms's notes of the meeting show that Nixon wasted little breath in making his wishes known. Allende was not to assume office. "Not concerned risks involved. No involvement of embassy. $10,000,000 available, more if necessary. Full-time job--best men we have.... Make the economy scream. 48 hours for plan of action."

Declassified documents show that Kissinger--who had previously neither known nor cared about Chile, describing it offhandedly as "a dagger pointed at the heart of Antarctica"--took seriously this chance to impress his boss. A group was set up in Langley, Virginia, with the express purpose of running a "two track" policy for Chile, one the ostensible diplomatic one and the other--unknown to the State Department or the U.S. ambassador to Chile, Edward Korry--a strategy of destabilization, kidnapping, and assassination designed to provoke a military coup.

There were long- and short-term obstacles to the incubation of such an intervention, especially in the brief interval available before Allende took his oath of office. The long-term obstacle was the tradition of military abstention from politics in Chile, a tradition that marked off the country from its neighbors. Such a military culture was not to be degraded overnight. The short-term obstacle lay in the person of one man: General Rene Schneider. As chief of the Chilean Army, he was adamantly opposed to any military meddling in the electoral process. Accordingly, it was decided at a meeting on September 18, 1970, that General Schneider had to go.

The plan, well documented by Seymour Hersh and others, was to have him kidnapped by extremist officers, in such a way as to make it appear that leftist and pro-Allende elements were behind the plot. The resulting confusion, it was hoped, would panic the Chilean Congress into denying Allende the presidency. A sum of $50,000 was offered around the Chilean capital, Santiago, for any officer or officers enterprising enough to take on this task. Richard Helms and his director of covert operations, Thomas Karamessines, told Kissinger that they were not optimistic. Military circles were hesitant and divided, or else loyal to General Schneider and the Chilean constitution. As Helms put it in a later account of the conversation: "We tried to make clear to Kissinger how small the possibility of success was." Kissinger firmly told Helms and Karamessines to press on in any case.

Here one must pause for a recapitulation. An unelected official in the United States is meeting with others, without the knowledge or authorization of Congress, to plan the kidnapping of a constitutionally minded senior officer in a democratic country with which the United States is not at war and with which it

maintains cordial diplomatic relations. The minutes of the meetings may have an official look to them (though they were hidden from the light of day for long enough), but what we are reviewing is a "hit," a piece of state-supported terrorism.

Ambassador Edward Korry has testified that he told his embassy staff to have nothing to do with a group styling itself Patria y Libertad, a quasi-fascist group intent on defying the election results. He sent two cables to Washington warning his superiors to have nothing to do with them either. He was unaware that his own military attaches had been told to contact the group and to keep the fact from him. And when the outgoing president of Chile, the Christian Democrat Eduardo Frei, announced that he was opposed to any American intervention and would vote to confirm the legally elected Allende, it was precisely to this gang that Kissinger turned. On September 15, 1970, Kissinger was told of an extremist right-wing officer named General Roberto Viaux, who had ties to Patria y Libertad and who was willing to accept the secret American commission to remove General Schneider from the chessboard. The term "kidnap" was still being employed at this point and is often employed still. Kissinger's "track two" group, however, authorized the supply of machine guns as well as tear-gas grenades to Viaux's associates and never seem to have asked what they would do with the general once they had kidnapped him.

Let the documents tell the story. A CIA cable to Kissinger's "track two" group from Santiago dated October 18, 1970, reads (with the names still blacked out for "security" purposes and cover identities written in by hand, in my square brackets, by the ever-thoughtful redaction service) as follows:

1. [Station cooptee] MET CLANDESTINELY EVENING 17 OCT WITH [two Chilean Armed Forces officers] WHO TOLD HIM THEIR PLANS WERE MOVING ALONG BETTER THAN HAD THOUGHT POSSIBLE. THEY ASKED THAT BY EVENING 18 OCT [cooptee] ARRANGE FURNISH THEM WITH EIGHT TO TEN TEAR GAS GRENADES. WITHIN 48 HOURS THEY NEED THREE 45 CALIBRE MACHINE GUNS ("GREASE GUNS") WITH 500 ROUNDS AMMO EACH. [One officer] COMMENTED HAS THREE MACHINE GUNS HIMSELF BUT CAN BE IDENTIFIED BY SERIAL NUMBERS AS HAVING BEEN ISSUED TO HIM THEREFORE UNABLE USE THEM.

2. [Officers] SAID THEY HAVE TO MOVE BECAUSE THEY BELIEVE THEY NOW UNDER SUSPICION AND BEING WATCHED BY ALLENDE SUPPORTERS. [One officer] WAS LATE TO MEETING HAVING TAKEN EVASIVE ACTION TO SHAKE POSSIBLE SURVEILLANCE BY ONE OR TWO TAXI CABS WITH DUAL ANTENNAS WHICH HE BELIEVED BEING USED BY OPPOSITION AGAINST HIM.

3. [Cooptee] ASKED IF [officers] HAD AIR FORCE CONTACTS. THEY ANSWERED THEY DID NOT BUT WOULD WELCOME ONE. [Cooptee] SEPARATELY HAS SINCE TRIED CONTACT [a Chilean Air Force General] AND WILL KEEP TRYING UNTIL ESTABLISHED. WILL URGE [Air Force General] MEET WITH [other two officers] ASAP. [Cooptee] COMMENTED TO STATION THAT [Air Force General] HAS NOT TRIED CONTACT HIM SINCE REF A TALK.

4. [Cooptee] COMMENT: CANNOT TELL WHO IS LEADER OF THIS MOVEMENT BUT STRONGLY SUSPECTS IT IS ADMIRAL [Deleted]. IT WOULD APPEAR FROM [his contacts'] ACTIONS AND ALLEGED ALLENDE SUSPICIONS ABOUT THEM THAT UNLESS THEY ACT NOW THEY ARE

LOST. TRYING GET MORE INFO FROM THE EVENING 18 OCT ABOUT SUPPORT THEY BELIEVE THEY HAVE.
5. STATION PLANS GIVE SIX TEAR GAS GRENADES (ARRIVING NOON 18 OCT BY SPECIAL COURIER) TO [cooptee] FOR DELIVERY TO [Armed Forces officer] INSTEAD OF HAVING [False Flag officer] DELIVER THEM TO VIAUX GROUP. OUR REASONING IS THAT [cooptee] DEALING WITH ACTIVE DUTY OFFICERS. ALSO [False Flag officer] LEAVING EVENING 18 OCT AND WILL NOT BE REPLACED BUT [cooptee] WILL STAY HERE. HENCE IMPORTANT THAT [cooptee] CREDIBILITY WITH [Armed Forces officers] BE STRENGTHENED BY PROMPT DELIVERY WHAT THEY REQUESTING. REQUEST HEADQUARTERS AGREEMENT BY 1500 HOURS LOCAL TIME 18 OCT ON DECISION DELIVERY OF TEAR GAS TO [cooptee] VICE [False Flag officer].

6. REQUEST PROMPT SHIPMENT THREE STERILE 45 CALIBRE MACHINE GUNS AND AMMO PER PARA 1 ABOVE, BY SPECIAL COURIER IF NECESSARY. PLEASE CONFIRM BY 2000 HOURS LOCAL TIME 18 OCT THAT THIS CAN BE DONE SO [cooptee] MAY INFORM [his contacts] ACCORDINGLY.

The reply, which is headed IMMEDIATE SANTIAGO (EYES ONLY [deleted]), is dated October 18 and reads as follows:

> SUB-MACHINE GUNS AND AMMO BEING SENT BY REGULAR [deleted] COURIER LEAVING WASHINGTON 0700 HOURS 19 OCTOBER DUE ARRIVE SANTIAGO LATE EVENING 20 OCTOBER OR EARLY MORNING 21 OCTOBER. PREFERRED USE REGULAR [deleted] COURIER TO AVOID BRINGING UNDUE ATTENTION TO OP.

A companion message, also addressed to "SANTIAGO 562," went like this:
1. DEPENDING HOW [cooptee] CONVERSATION GOES EVENING 18 OCTOBER YOU MAY WISH SUBMIT INTEL REPORT [deleted] so WE CAN DECIDE WHETHER SHOULD BE DISSEMED.
2. NEW SUBJECT: IF [cooptee] PLANS LEAD COUP, OR BE ACTIVELY AND PUBLICLY INVOLVED, WE PUZZLED WHY IT SHOULD BOTHER HIM IF MACHINE GUNS CAN BE TRACED TO HIM. CAN WE DEVELOP RATIONALE ON WHY GUNS MUST BE STERILE? WILL CONTINUE MAKE EFFORT PROVIDE THEM BUT FIND OUR CREDULITY STRETCHED BY NAVY [officer] LEADING HIS TROOPS WITH STERILE GUNS? WHAT IS SPECIAL PURPOSE FOR THESE GUNS? WE WILL TRY SEND THEM WHETHER YOU CAN PROVIDE EXPLANATION OR NOT.
The full beauty of this cable traffic cannot be appreciated without a reading of an earlier message, dated October 16. (It must be borne in mind that the Chilean Congress was to meet to confirm Allende as president on the twenty-fourth of that month.)
1. [code name Trickturn] POLICY, OBJECTIVES AND ACTIONS WERE REVIEWED AT HIGH USG [United States Government] LEVEL AFTERNOON 15 OCTOBER. CONCLUSIONS, WHICH ARE TO BE YOUR OPERATIONAL GUIDE, FOLLOW:
2. IT IS FIRM AND CONTINUING POLICY THAT ALLENDE BE OVERTHROWN BY A COUP. IT WOULD BE MUCH PREFERABLE TO HAVE THIS TRANSPIRE PRIOR TO 24 OCTOBER BUT EFFORTS IN THIS REGARD WILL CONTINUE VIGOROUSLY BEYOND THIS DATE. WE ARE TO CONTINUE TO GENERATE MAXIMUM PRESSURE TOWARD THIS END UTILIZING EVERY APPROPRIATE RESOURCE. IT IS IMPERATIVE THAT THESE ACTIONS BE IMPLEMENTED CLANDESTINELY AND SECURELY SO THAT THE USG AND AMERICAN HAND BE WELL HIDDEN. WHILE THIS IMPOSES ON US A HIGH DEGREE OF SELECTIVITY IN MAKING MILITARY CONTACTS AND DICTATES THAT THESE CONTACTS BE

MADE IN THE MOST SECURE MANNER IT DEFINITELY DOES NOT PRECLUDE CONTACTS SUCH AS REPORTED IN SANTIAGO 544 WHICH WAS A MASTERFUL PIECE OF WORK. [Italics added.]

3. AFTER THE MOST CAREFUL CONSIDERATION IT WAS DETERMINED THAT A VIAUX COUP ATTEMPT CARRIED OUT BY HIM ALONE WITH THE FORCES NOW AT HIS DISPOSAL WOULD FAIL. THUS, IT WOULD BE COUNTERPRODUCTIVE TO OUR [track two] OBJECTIVES. IT WAS DECIDED THAT [CIA] GET A MESSAGE TO VIAUX WARNING HIM AGAINST PRECIPITATE ACTION. IN ESSENCE OUR MESSAGE IS TO STATE, "WE HAVE REVIEWED YOUR PLANS, AND BASED ON YOUR INFORMATION AND OURS, WE COME TO THE CONCLUSION THAT YOUR PLANS FOR A COUP AT THIS TIME CANNOT SUCCEED. FAILING, THEY MAY REDUCE YOUR CAPABILITIES FOR THE FUTURE. PRESERVE YOUR ASSETS. WE WILL STAY IN TOUCH. THE TIME WILL COME WHEN YOU TOGETHER WITH ALL YOUR OTHER FRIENDS CAN DO SOMETHING. YOU WILL CONTINUE TO HAVE OUR SUPPORT." YOU ARE REQUESTED TO DELIVER THE MESSAGE TO VIAUX ESSENTIALLY AS NOTED ABOVE. OUR OBJECTIVES ARE AS FOLLOWS: (A) TO ADVISE HIM OF OUR OPINION AND DISCOURAGE HIM FROM ACTING ALONE; (B) CONTINUE TO ENCOURAGE HIM TO AMPLIFY HIS PLANNING; (C) ENCOURAGE HIM TO JOIN FORCES WITH OTHER COUP PLANNERS SO THAT THEY MAY ACT IN CONCERT EITHER BEFORE OR AFTER 24 OCTOBER. (N.B. SIX GAS MASKS AND SIX CS CANNISTERS [sic] ARE BEING CARRIED TO SANTIAGO BY SPECIAL [deleted] COURIER ETD WASHINGTON 1100 HOURS 16 OCTOBER.)

4. THERE IS GREAT AND CONTINUING INTEREST IN THE ACTIVITIES OF TIRADO, CANALES, VALENZUELA ET AL. AND WE WISH THEM MAXIMUM GOOD FORTUNE.

5. THE ABOVE IS YOUR OPERATING GUIDANCE. NO OTHER POLICY GUIDANCE YOU MAY RECEIVE FROM [indecipherable: State] OR ITS MAXIMUM EXPONENT IN SANTIAGO, ON HIS RETURN, ARE TO SWAY YOU FROM YOUR COURSE.

6. PLEASE REVIEW ALL YOUR PRESENT AND POSSIBLY NEW ACTIVITIES TO INCLUDE PROPAGANDA, BLACK OPERATIONS, SURFACING OF INTELLIGENCE OR DISINFORMATION, PERSONAL CONTACTS, OR ANYTHING ELSE YOUR IMAGINATION CAN CONJURE WHICH WILL PERMIT YOU TO PRESS FORWARD OUR [deleted] OBJECTIVE IN A SECURE MANNER.

Finally, it is essential to read the White House "MEMORANDUM OF CONVERSATION," dated October 15, 1970, to which the above cable directly refers and of which it is a more honest summary. Present for the "HIGH USG LEVEL" meeting were, as noted in the heading, "Dr. Kissinger, Mr. Karamessines, Gen. Haig." The first paragraph of their deliberations has been entirely blacked out, with not so much as a scribble in the margin from the redaction service. (Given what has since been admitted, this sixteen-line deletion must be well worth reading.) Picking up at paragraph two, we find:

2. Then Mr. Karamessines provided a run-down on Viaux, the Canales meeting with Tirado, the latter's new position (after Porta was relieved of command "for health reasons") and, in some detail, the general situation in

Chile from the coup possibility viewpoint.

3. A certain amount of information was available to us concerning Viaux's alleged support throughout the Chilean military. We had assessed Viaux's claims carefully, basing our analysis on good intelligence from a number of sources. Our conclusion was clear: Viaux did not have more than one chance in twenty--perhaps less--to launch a successful coup.

4. The unfortunate repercussions, in Chile and internationally, of an unsuccessful coup were discussed. Dr. Kissinger ticked off his list of these negative possibilities. His items were remarkably similar to the ones Mr. Karamessines had prepared.

5. It was decided by those present that the Agency must get a message to Viaux warning him against any precipitate action. In essence our message was to state: "We have reviewed your plans, and based on your information and ours, we come to the conclusion that your plans for a coup at this time cannot succeed. Failing, they may reduce your capabilities for the future. Preserve your assets. We will stay in touch. The time will come when you with all your other friends can do something. You will continue to have our support."

6. After the decision to de-fuse the Viaux coup plot, at least temporarily, Dr. Kissinger instructed Mr. Karamessines to preserve Agency assets in Chile, working clandestinely and securely to maintain the capability for Agency operations against Allende in the future. [Italics added.]

7. Dr. Kissinger discussed his desire that the word of our encouragement to the Chilean military in recent weeks be kept as secret as possible. Mr. Karamessines stated emphatically that we had been doing everything possible in this connection, including the use of false flag officers, car meetings and every conceivable precaution. But we and others had done a great deal of talking recently with a number of persons. For example, Ambassador Korry's wide-ranging discussions with numerous people urging a coup "cannot be put back into the bottle." [Three lines of deletion follow.] (Dr. Kissinger requested that copy of the message be sent to him on 16 October.)

8. The meeting concluded on Dr. Kissinger's note that the Agency should continue keeping the pressure on every Allende weak spot in sight--now, after the 24th of October, after 5 November, and into the future until such time as new marching orders are given. Mr. Karamessines stated that the Agency would comply.

So "track two" contained two tracks of its own. "Track two/one" was the group of ultras led by General Roberto Viaux and his sidekick, Captain Arturo Marshal. These men had tried to bring off a coup in 1969 against the Christian Democrats; they had been cashiered and were disliked even by conservatives in the officer corps. "Track two/two" was a more ostensibly "respectable" faction headed by General Camilo Valenzuela, the chief of the garrison in the capital city, whose name occurs in the cables above and whose identity is concealed by some of the deletions. Several of the CIA operatives in Chile felt that Viaux was too much of a madman to be trusted. And Ambassador Korry's repeated admonitions also had their effect. As shown in the October 15 memo cited above, Kissinger and Karamessines developed last-minute second thoughts about Viaux, who as late as October 13 had been given $20,000 in cash from the CIA station and promised a life-insurance policy of $250,000.

This offer was authorized directly from the White House. With only days to go, however, before Allende was inaugurated, and with Nixon repeating that "it was absolutely essential that the election of Mr. Allende to the presidency be thwarted," the pressure on the Valenzuela group became intense. As a direct consequence, especially after the warm words of encouragement he had received, General Roberto Viaux felt himself under some obligation to deliver and to disprove those who had doubted him.

On the evening of October 19, 1970, the Valenzuela group, aided by some of Viaux's gang, and equipped with the tear-gas grenades delivered by the CIA, attempted to grab General Schneider as he left an official dinner. The attempt failed because Schneider left in a private car and not the expected official one. The failure produced an extremely significant cable from CIA headquarters in Washington to the local station, asking for urgent action because "HEADQUARTERS MUST RESPOND DURING MORNING 20 OCTOBER TO QUERIES FROM HIGH LEVELS." Payments of $50,000 each to Valenzuela and his chief associate were then authorized on condition that they make another attempt. On the evening of October 20 they did. But again there was only failure to report. On October 22 the "sterile" machine guns mentioned above were handed to Valenzuela's group for yet another try. Later that same day, General Roberto Viaux's gang finally murdered General Rene Schneider.

According to the later verdict of the Chilean military courts, this atrocity partook of elements of both tracks of "track two." In other words, Valenzuela was not himself on the scene, but the assassination squad, led by Viaux, contained men who had participated in the preceding two attempts. Viaux was convicted on charges of kidnapping and of conspiring to cause a coup. Valenzuela was convicted of the charge of conspiracy to cause a coup. So any subsequent attempt to distinguish the two plots from each other, except in point of degree, is an attempt to confect a distinction without a difference.

It scarcely matters whether Schneider was slain because of a kidnapping scheme that went awry (he was said by the assassins to have had the temerity to resist) or whether his assassination was the objective in the first place. The Chilean military police report, as it happens, describes a straightforward murder. Under the law of every law-bound country (including the United States), a crime committed in the pursuit of a kidnapping is thereby aggravated, not mitigated. You may not say, with a corpse at your feet, "I was only trying to kidnap him." At least, you may not say so if you hope to plead extenuating circumstances.

Yet a version of "extenuating circumstances" has become the paper-thin cover story with which Kissinger has since protected himself from the charge of being an accomplice, before and after the fact, in kidnapping and murder. And this sorry euphemism has even found a refuge in the written record. The Senate intelligence committee, in its investigation of the matter, concluded that since the machine guns supplied to Valenzuela had not been actually employed in the killing, and since General Viaux had been officially discouraged by the CIA a few days before the murder, there was therefore "no evidence of a plan to kill Schneider or that United States officials specifically anticipated that Schneider would be shot during the abduction."

Walter Isaacson, in his biography of Kissinger, takes at face value a memo from Kissinger to Nixon after his meeting on October 15 with Karamessines, in which he reports to the president about the Viaux plot, saying that he had "turned it off." He also takes at face value the claim that Viaux's successful hit

was essentially unauthorized. These excuses and apologies are as logically feeble as they are morally contemptible. Henry Kissinger bears direct responsibility for the Schneider murder, as the following points demonstrate:

1) Bruce MacMaster, one of the "False Flag" agents mentioned in the cable traffic above, a career CIA man carrying a forged Colombian passport and claiming to represent American business interests in Chile, has told of his efforts to get "hush money" to jailed members of the Viaux group, after the assassination and before they could implicate the agency.

2) Colonel Paul M. Wimert, a military attache in Santiago and chief CIA liaison with the Valenzuela faction, has testified that after the Schneider killing he hastily retrieved the two payments of $50,000 that had been paid to Valenzuela and his partner, and also the three "sterile" machine guns. He then drove rapidly to the Chilean seaside town of Vina del Mar and hurled the guns into the ocean. His accomplice in this action, CIA station chief Henry Hecksher, had assured Washington only days before that either Viaux or Valenzuela would be able to eliminate Schneider and thereby trigger a coup.

3) Look again at the White House/Kissinger memo of October 15 and at the doggedly literal way it is retransmitted to Chile. In no sense of the term does it "turn off" Viaux. If anything, it incites him--a well-known and boastful fanatic--to redouble his efforts. "Preserve your assets. We will stay in touch. The time will come when you with all your other friends can do something. You will continue to have our support." This is not exactly the language of standing him down. The remainder of the cable speaks plainly of the intention to "DISCOURAGE HIM FROM ACTING ALONE," to "CONTINUE TO ENCOURAGE HIM TO AMPLIFY HIS PLANNING," and to "ENCOURAGE HIM TO JOIN FORCES WITH OTHER COUP PLANNERS SO THAT THEY MAY ACT IN CONCERT EITHER BEFORE OR AFTER 24 OCTOBER." (Italics added.) The last three stipulations are an entirely accurate, not to say prescient, description of what Viaux actually did.

4) Consult again the cable received by Henry Hecksher on October 20, referring to anxious queries "from high levels" about the first of the failed attacks on Schneider. Thomas Karamessines, when questioned by the Senate intelligence committee about the same phrase in a similar cable sent to another CIA agent in Santiago, testified of his certainty that the term "high levels" referred directly to Kissinger. In all previous communications from Washington, as a glance above will show, that had indeed been the case. This on its own is enough to demolish Kissinger's claim to have "turned off" "track two" (.and its interior tracks) on October 15.

5) Ambassador Edward Korry later made the obvious point that Kissinger was attempting to build a paper alibi in the event of a failure by the Viaux group: "His interest was not in Chile but in who was going to be blamed for what. He wanted me to be the one who took the heat. Henry didn't want to be associated with a failure, and he was setting up a record to blame the State Department. He brought me in to the President because he wanted me to say what I had to say about Viaux; he wanted me to be the soft man."

The concept of "deniability" was not as well understood in Washington in 1970 as it has since become. But it is clear that Henry Kissinger wanted two things simultaneously: He wanted the removal of General Schneider, by any means and employing any proxy. (No instruction from Washington to leave Schneider unharmed was ever given; deadly weapons were sent by diplomatic pouch, and men of violence were carefully selected to receive them.) And he wanted

to be out of the picture in case such an attempt might fail, or be uncovered. These are the normal motives of anyone who solicits or suborns murder. Kissinger, however, needed the crime very slightly more than he needed, or was able to design, the deniability. Without waiting for his many hidden papers to be released or subpoenaed, we can say with safety that he is prima facie guilty of direct collusion in the murder of a constitutional officer in a democratic and peaceful country.

A NOTE ON PART TWO

Two well-marked and separate but consistent styles may be noticed in Kissinger's successive, sanguinary encounters with Indochina and Chile: in the first instance, a megalo-style, replete with overblown operatic effects on his part and grand, terrifying consequences for others; in the second instance, a micro-style, involving an obsessive, almost fussy manipulation of smaller forces. The two practices are actually quite congruent, and there is an obvious relation between the gross and comprehensive violence of the first case and the intimate and personal cruelty of the second.

In Indochina, the megalo-scale of mass murder also required much individual fawning, the tireless flattering of numerous secret committees, and the smiling betrayal of several associates. In Chile, the micro-scale of surreptitious assassination was paradoxically conceived with a certain grandeur, the objective being the destabilization of an entire government and, ultimately, the teaching of a sharp pedagogical lesson to a whole subcontinent.

In the March issue of Harper's Magazine, we shall again encounter these two contrasting but symmetrical tropes. In Chile, the destruction of an economy, a president, and a constitution is followed by the knowing extension of the "death squad" system across the Southern Americas. Vendetta, in other words--against Schneider and Allende--evolves into realpolitik. In Bangladesh, it is calmly decided that the lives of millions of Bengalis are expendable: they are the price of a glorifying photo-op in Beijing, the returning of a favor to a military dictator, and payment for an old personal resentment by Kissinger's boss. Since the victim cannot be forgiven, this grudge is later pursued to the threshold of assassination and beyond. In Cyprus, a fancied slight or two from an elected but inconvenient leader is enough to set the machinery of designated murder and wider geopolitical "destabilization" clanking again: out of a perceived affront to power evolves a bitter war and a continuing tragedy. In East Timor, an uncountable hill of corpses rises so that a covert and illegal handshake between Henry Kissinger and a bizarre despot may be honored. While in Washington, D.C., a lone reporter catches and offends the world's coldest eye and nearly loses both liberty and life as a consequence.

Finally--and as the most squalid illustration of the obscene connection between the vastly lethal and the merely paltry--we discover Henry Kissinger profiting explicitly as a private man from the crimes he committed as a public one. The stale image of the "revolving door" is inadequate to depict the great mill and grindstone of influence, as it generates misery and homicide in one corner and personal gain in another. Now that both corners can be illuminated, it has become both possible and necessary to sum up the legal case against this person, a case that unsurprisingly consists of gross violations of broad international laws and deliberate, cumulative, identifiable breaches of local and national ones.

This is, in both declensions--and in both senses--an American responsibility.

A NOTE ON THE "40 COMMITTEE"

In these pages, I've found it essential to allude frequently to the "40 Committee," the semi-clandestine body of which Henry Kissinger the chairman between 1969 and 1976. One does not need to picture some giant, octopus-like organization at the center of a web of conspiracy; however, it is important to know that there was a committee that maintained ultimate supervision over United States covert actions overseas (and, possibly, at home)during this period.

The CIA was originally set up by President Harry Truman at the beginning of the Cold War. In the first Eisenhower Administration, it was felt necessary to establish a monitoring or watchdog body to oversee covert operations. This panel was known as the Special Group, and sometimes also referred to as the 54/12 Group, after the number of the National Security Council directive that set it up. By the time of President Johnson it was called the 303 Committee, and during the Nixon and Ford administrations it was called the 40 Committee. Some believe that these changes of name reflect the numbers of later NSC directives; others, the successive room numbers in the handsome Old Executive Office Building, now annexed to the neighboring White House, in which it met. In fact, NSC Memorandum 40 was named after the room in which the committee met. No mystery there.

If any fantastic rumors shroud the work of the committee, this may be the outcome of the absurd cult of secrecy that at one point surrounded it. At Senate hearings in 1973, Senator Stuart Symington was questioning William Colby, then director of central intelligence, about the origins and evolution of the supervisory group:

SYMINGTON: Very well. What is the name of the latest committee of this character?

COLBY: 40 Committee.

SYMINGTON: Who is the chairman?

COLBY: Well, again, I would prefer to go into executive session on the description of the 40 Committee, Mr. Chairman.

SYMINGTON: As to who is the chairman, you would prefer an executive session?

COLBY: The chairman--all right, Mr. Chairman--Dr. Kissinger is the chairman, as the assistant to the president for national security affairs.

Kissinger held this position ex officio, in other words. His colleagues at the time were Air Force General George Brown, chairman of the Joint Chiefs of Staff; William P. Clements Jr., the deputy secretary of defense; Joseph Sisco, the undersecretary of state for political affairs, and the director of central intelligence, William Colby.

With slight variations, those holding these positions have been the permanent

members of the 40 Committee that, as President Ford phrased it in a rare public reference by a president to the group's existence, "reviews every covert operation undertaken by our government." An important variation was added by President Nixon, who appointed his former campaign manager and attorney general, John Mitchell, to sit on the committee, the only attorney general to have done so. The founding charter of the CIA prohibits it from taking any part in domestic operations: in January 1975, Attorney General Mitchell was convicted of numerous counts of perjury, obstruction, and conspiracy to cover up the Watergate burglary, which was carried out in part by former CIA operatives. He became the first attorney general to serve time in prison.

We have met Mr. Mitchell, in concert with Mr. Kissinger, before. The usefulness of this note, I hope and believe, is that it supplies a thread that will be found throughout this narrative. Whenever any major U.S. covert undertaking occurred, between the years 1969 and 1976, Henry Kissinger may be at least presumed to have had direct knowledge of, and responsibility for, it. If he claims that he did not, then he is claiming not to have been doing a job to which he clung with great bureaucratic tenacity. And whether or not he cares to accept the responsibility, the accountability is inescapably his.

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THE CASE AGAINST HENRY KISSINGER.(former secretary of state, United States)

PART TWO

Author/s: Christopher Hitchens

Crimes against humanity

On the twentieth of December 2000, as the first part of this article was being

readied for publication, we contacted Henry Kissinger's office, stipulating our areas of interest and requesting an interview. Receiving no direct response from him, we wrote again and graciously offered to match the usual sultanlike fee that he charges for making pronouncements. This elicited only a pompous letter from a hireling, and we were left to assume that there are some subjects Kissinger prefers not to discuss, not even for ready money.

Whether or not their perpetrator cares to comment on them, the crimes discussed in Part I--the havoc visited on Indochinese civilians, the illegal subversion practiced on Chilean democracy --did in fact occur, and they set the tone for the remainder of his time in office. The murder of General Rene Schneider was soon eclipsed by more, and more gross, atrocities in Chile and the Southern Hemisphere. And the same paw print of unchecked power was to be found in Cyprus and Greece, in Bangladesh and East Timor, in the succeeding years. These are not, as is too often argued, the results of geopolitical forces for which no one is to blame. They are crimes for which Henry Kissinger is, and should be held, responsible, and they vividly insist on an accounting.

CHILE (PART II): DEATH IN THE SOUTH

On November 9, 1970, Henry Kissinger authored National Security Council Decision Memorandum 93, which reviewed policy toward Chile in the immediate wake of Salvador Allende's confirmation as president. Various routine measures of economic harassment were proposed (as per Nixon's instruction to "make the economy scream"), with cutoffs in aid and investment. More significantly, Kissinger advocated that "close relations" be maintained with military leaders in neighboring countries, in order to facilitate both the coordination of pressure against Chile and the incubation of opposition within the country. In outline, this prefigures the disclosures that have since been made about Operation "Condor," a secret collusion among military dictatorships across the hemisphere, operated with the United States government's knowledge and indulgence.

The actual overthrow of the Allende government in a sanguinary coup d'etat took place on September 11, 1973, while Kissinger was going through his own Senate confirmation process as secretary of state. He falsely assured the Foreign Relations Committee that the United States government had played no part in the coup. From a thesaurus of hard information to the contrary, one might select Situation Report No. 2, from the Navy Section of the United States Military Group in Chile and written by U.S. Naval Attache Patrick J. Ryan. Mr. Ryan describes his close relationship with the officers engaged in overthrowing the government, hails September 11, 1973, as "our. D-Day," and observes with satisfaction that "Chile's coup de etat [sic] was close to perfect." Or one may peruse the declassified files on "Project FUBELT"--the code name under which the CIA, in frequent contact with Kissinger and the 40 Committee,(1) conducted covert operations against the legal and elected government of Chile.

What is striking, and what points to a much more direct complicity in individual crimes against humanity, is the microscopic detail in which Kissinger kept himself informed, after the coup, of Augusto Pinochet's atrocities. On November 16, Assistant Secretary of State Jack B. Kubisch delivered a detailed report on the Chilean junta's execution policy, which, as he notes to the new secretary, "you requested by cable from Tokyo." The memo goes on to enlighten Kissinger in various ways about the first nineteen days of

Pinochet's rule. Summary executions during that period, we are told, totaled 320. (This contrasts with the publicly announced total of 100 and is based on "an internal, confidential report prepared for the junta" to which American officials are evidently privy.) Looking on the bright side,

> On November 14, we announced our second CCC credit to Chile--$24 million for feed com. Our long-standing commitment to sell two surplus destroyers to the Chilean navy has met a reasonably sympathetic response in Senate consultations. The Chileans, meanwhile, have sent us several new requests for controversial military equipment.

Kubisch then raises the awkward question of two American citizens murdered by the junta--Frank Teruggi and Charles Horman--details of whose precise fate are still, more than a quarter century later, being sought by their families. The reason for the length of the search may be inferred from a telegram, dated February 11, 1974, which reports on a meeting with the junta's foreign minister and notes that Kubisch raises the matter of the missing Americans "IN THE CONTEXT OF THE NEED TO BE CAREFUL TO KEEP RELATIVELY SMALL ISSUES IN OUR RELATIONSHIP FROM MAKING OUR COOPERATION MORE DIFFICULT."

To return, via this detour, to Operation "Condor": "Condor" was a machinery of cross-border assassination, abduction, torture, and intimidation coordinated among the secret police forces of Pinochet's Chile, Alfredo Stroessner's Paraguay, Jorge Rafael Videla's Argentina, and other regional caudillos. This internationalization of the death-squad principle is now known to have been responsible for the murder of the dissident general Carlos Prats of Chile (and his wife) in Buenos Aires, the murder of the Bolivian general Juan Jose Torres, also in Argentina, and the maiming of a Christian Democratic Chilean senator, Bernardo Leighton, in Italy, to name only the most salient victims. A "Condor" team also detonated a car bomb in downtown Washington, D.C., in September 1976, killing the former Chilean foreign minister, Orlando Letelier, and his aide, Ronni Moffitt. United States government complicity has been uncovered at every level of this network. It has been established, for example, that the FBI aided Pinochet in capturing Jorge Isaac Fuentes de Alarcon, who was detained and tortured in Paraguay, then turned over to the Chilean secret police and "disappeared." Astonishingly, the surveillance of Latin American dissident refugees in the United States was promised to "Condor" figures by American intelligence.

Stroessner has been overthrown; Videla is in prison; Pinochet and his henchmen are being or have been brought to account in Chile. And what of Kissinger? All of the above-cited crimes, and many more besides, were committed on his "watch" as secretary of state. And all of them were and are punishable under local or international law or both. It can hardly be argued, by himself or by his defenders, that he was indifferent to, or unaware of, the true situation. In 1999 a secret memorandum was declassified, giving excruciating details of a private conversation between Kissinger and Pinochet in Santiago, Chile, on June 8, 1976. The meeting took place the day before Kissinger was due to address the Organization of American States. The subject was human rights. Kissinger was at some pains to explain to Pinochet that the few pro forma remarks he was to make on that topic were by no means to be taken seriously. My friend Peter Kornbluh has performed the service of comparing the "Memcon" (Memorandum of Conversation) with the account of the meeting given by Kissinger himself in his third volume of apologia, Years of Renewal:

> The Memoir: A considerable amount of time in my dialogue with Pinochet was devoted to human rights, which were, in fact, the principal obstacle to close United States relations with Chile. I outlined the main points in my speech to the OAS which I would deliver the next day. Pinochet made no comment.
>
> The Memcon: I will treat human rights in general terms, and human rights in a world context. I will refer in two paragraphs to the report on Chile

> of the OAS Human Rights Commission. I will say that the human rights issue has impaired relations between the U.S. and Chile. This is partly the result of Congressional actions. I will add that I hope you will shortly remove these obstacles.... I can do no less, without producing a reaction in the U.S. which would lead to legislative restrictions. The speech is not aimed at Chile. I wanted to tell you about this. My evaluation is that you are a victim of all left-wing groups around the world and that your greatest sin was that you overthrew a government that was going Communist.
>
> The Memoir: As Secretary of State, I felt I had the responsibility to encourage the Chilean government in the direction of greater democracy through a policy of understanding Pinochet's concerns.... Pinochet reminded me that "Russia supports their people 100 percent. We are behind you. You are the leader. But you have a punitive system for your friends." I returned to my underlying theme that any major help from us would realistically depend on progress on human rights.
>
> The Memcon: There is merit in what you say. It is a curious time in the U.S. ... It is unfortunate. We have been through Viet Nam and Watergate. We have to wait until the [1976] elections. We welcomed the overthrow of the Communist-inclined government here. We are not out to weaken your position.

In an unpleasant way, Pinochet twice mentioned the name of Orlando Letelier, the exiled Chilean opposition leader, accusing him of misleading the United States Congress. Kissinger's response, as can be seen, was to apologize for the Congress and (in a minor replay of his 1968 Paris tactic over Vietnam) to suggest that the dictator hope for better days after the upcoming elections. Three months later, a car bomb in Washington killed Letelier, the only such outrage ever committed in the nation's capital by agents of a foreign regime (and an incident completely absent from Kissinger's memoirs). The man responsible for arranging the crime, the Chilean secret policeman General Manuel Contreras, has since stated in an affidavit that he took no action without specific and personal orders from Pinochet. He remains in prison, doubtless wondering why he trusted his superiors.

"I want to see our relations and friendship improve," Kissinger told Pinochet (but not the readers of his memoirs). "We want to help, not undermine you." In advising a murderer and despot, whose rule he had helped impose, to disregard his upcoming remarks as a sop to Congress, Kissinger insulted democracy in both countries. He also gave the greenest of green lights to further cross-border and internal terrorism, neither of which could have been unknown to him. (In his memoirs, he does mention what he calls Pinochet's "counterterrorist intelligence agency.") Further colluding with Pinochet against the United States Congress, which was considering cutting off arms sales to human-rights violators via the Kennedy Amendment, Kissinger obsequiously remarked,

> I don't know if you listen in on my phone, but if you do you have just heard me issue instructions to Washington to [defeat the Kennedy Amendment] if we defeat it, we will deliver the F-5Es as we agreed to do.

The foregoing passage is worth bearing in mind. It is a good key for decoding the usual relationship between fact and falsehood in Kissinger's ill-crafted memoir. (And it is a huge reproach to his editors at Simon & Schuster, and Weidenfeld & Nicolson.) It should also act as an urgent prompting to members of Congress, and to human-rights organizations, to reopen the incomplete inquiries and thwarted investigations into the multifarious crimes of this period. Finally, and read in the light of Chile's return to democracy and the decision of the Chilean courts to pursue truth and justice, it repudiates Kissinger's patronizing insult concerning the "irresponsibility" of a dignified and humane people, who have suffered very much more than verbal insult at his hands.
A rule of thumb in Washington holds that any late disclosure by officialdom will contain material that is worse than even the cynics suspected. In September 2000, however, the CIA disgorged the results of an internal inquiry on Chile, which had been required of it by the Hinchey Amendment to the Intelligence Authorization Act for that fiscal year. And the most hardened critics and investigators were reduced to amazement:

> Support for Coup in 1970. Under "Track II" of the strategy, CIA sought

> to instigate a coup to prevent Allende from taking office after he won a plurality in the 4 September election and before, as Constitutionally required because he did not win an absolute majority, the Chilean Congress reaffirmed his victory. CIA was working with three different groups of plotters. All three groups made it clear that any coup would require the kidnapping of Army Commander Rene Schneider, who felt deeply that the Constitution required that the Army allow Allende to assume power. CIA agreed with that assessment. Although CIA provided weapons to one of the groups, we have found no information that the plotters' or CIA's intention was for the general to be killed. Contact with one group of plotters was dropped early on because of its extremist tendencies. CIA provided tear gas, submachine-guns and ammunition to the second group, mortally wounding him in the attack. CIA had previously encouraged this group to launch a coup but withdrew support four days before the attack because, in CIA's assessment, the group could not carry it out successfully.

This repeats the old canard supposedly distinguishing a kidnapping or abduction from a murder, and once again raises the intriguing question: What was the CIA going to do with General Schneider once it had kidnapped him?(2) (Note, also, the studied passivity whereby the report "found no information that the plotters' or CIA's intention was for the general to be killed." What would satisfy this bizarre criterion?) But then we learn of the supposedly unruly gang that actually took its instructions seriously:

> In November 1970 a member of the Viaux group who avoided capture recontacted the Agency and requested financial assistance on behalf of the group. Although the Agency had no obligation to the group because it acted on its own, in an effort to keep the prior contact secret, maintain the good will of the group, and for humanitarian reasons, $35,000 was passed.

"Humanitarian reasons." One has to admire the sheer inventiveness of this explanation. At 1970 prices, $35,000 was, in Chile, a considerable sum. Not likely the sort of sum that a local station chief could have disbursed on his own. One wants to know how the 40 Committee and its vigilant chairman, Henry Kissinger, decided that the best way to dissociate from a supposedly loose-cannon gang was to pay it a small fortune in cash after it had committed a cold-blooded murder.

The same question arises in an even more acute form with another disclosure made by the CIA in the course of the same report. This is headed "Relationship with Contreras." Manuel Contreras was the head of Pinochet's secret military police, and in that capacity organized the death, torture, and "disappearance" of innumerable Chileans as well as the use of bombing and assassination techniques as far afield as Washington, D.C. The CIA admits early on in the document that it

> had liaison relationships in Chile with the primary purpose of securing assistance in gathering intelligence on external targets. The CIA offered these services assistance in internal organization and training to combat subversion and terrorism from abroad, not in combating internal opponents of the government.

Such flat prose, based on a distinction between the "external targets" and the more messy business of internal dictatorial discipline, invites the question: What external threat? Chile had no foreign enemy except Argentina, which disputed some sea-lane rights in the Beagle Channel. (In consequence, Chile helped Mrs. Thatcher in the Falklands war of 1982.) And in Argentina, as we know, the CIA was likewise engaged in helping the military regime to survive. No, Chile had no external enemies to speak of, but the Pinochet dictatorship had many, many external foes. They were the numerous Chileans forced to abandon their country. Manuel Contreras's job was to hunt them down. As the report puts it,

> During a period between 1974 and 1977, CIA maintained contact with Manuel Contreras Sepulveda, who later became notorious for his involvement in human rights abuses. The U.S. Government policy community approved CIA's contact with Contreras, given his position as chief of the primary intelligence organization in Chile, as necessary to accomplish the CIA's mission, in spite of concerns that this relationship might lay the CIA open to charges of aiding internal political repression.

After a few bits of back-and-forth about the distinction without a difference (between "external" and "internal" police tactics), the CIA report states candidly,

> By April 1975, intelligence reporting showed that Contreras was the principal obstacle to a reasonable human rights policy within the Junta,

> but an interagency committee directed the CIA to continue its relationship with Contreras. The U.S. Ambassador to Chile urged Deputy Director of Central Intelligence [General Vernon] Walters to receive Contreras in Washington in the interest of maintaining good relations with Pinochet. In August 1975, with interagency approval, this meeting took place.
>
> In May and June 1975, elements within the CIA recommended establishing a paid relationship with Contreras to obtain intelligence based on his unique position and access to Pinochet. This proposal was overruled, citing the U.S. Government policy on clandestine relations with the head of an intelligence service notorious for human rights abuses. However, given miscommunications in the timing of this exchange, a one-time payment was given to Contreras.

This does not require too much parsing. Some time after it had been concluded, and by the CIA at that, that Manuel Contreras was the "principal obstacle to a reasonable human rights policy," he is given American taxpayers' money and received at a high level in Washington. The CIA's memorandum is careful to state that, where doubts exist, they are stilled by the "U.S. Government policy community" and by "an interagency committee." It also tries to suggest, with unconscious humor, that the head of a murderous foreign secret service was given a large bribe by mistake. One wonders who was reprimanded for this blunder, and how it got past the scrutiny of the 40 Committee.

The report also contradicts itself, stating at one point that Contreras's activities overseas were opaque and at another that

> [w]ithin a year after the coup, the CIA and other U.S. Government agencies were aware of bilateral cooperation among regional intelligence services to track the activities of and, in at least a few cases, kill political opponents. This was the precursor to Operation Condor, an intelligence-sharing arrangement among Chile, Argentina, Brazil, Paraguay and Uruguay established in 1975.

So now we know: The internationalization of the death-squad principle was understood and approved by American intelligence and its political masters across two administrations. The senior person concerned in both administrations was Henry Kissinger. Whichever "interagency committee" is meant, and whether it is the 40 Committee or the interagency committee on Chile, we are led back to the same source.

On leaving the State Department, Kissinger made an extraordinary bargain whereby he gifted his papers to the Library of Congress (having first hastily trucked them for safekeeping to the Rockefeller estate at Pocantico Hills, New York) on the sole condition that they remain under seal until five years after his death. Kissinger's friend Manuel Contreras, however, made a mistake when he killed an American citizen, Ronni Karpen Moffitt, in the Washington car bomb that also murdered Orlando Letelier in 1976. By late 2000, the Federal Bureau of Investigation had finally sought and received subpoena power to review the Library of Congress papers, a subpoena with which Kissinger dealt only through his attorneys. It was a start, but it was pathetic when compared with the efforts of truth-and-justice commissions in Chile, Argentina, Brazil, Paraguay, and Uruguay, which have now emerged from years of Kissinger-befriended dictatorship and are seeking a full accounting. We await the moment when the United States Congress will inaugurate a comparable process and finally subpoena all the hidden documents that obscure the view of unpunished crimes committed in our names.

CYPRUS: A TURBULENT PRIEST

In the second volume of his trilogy of memoirs, Years of Upheaval, Henry Kissinger found the subject of the 1974 Cyprus catastrophe so awkward that he decided to postpone consideration of it:

> I must leave a full discussion of the Cyprus episode to another occasion, for it stretched into the Ford Presidency and its legacy exists unresolved today.

This argued a certain nervousness on his part, if only because the subjects of Vietnam, Cambodia, the Middle East, Angola, Chile, China, and the SALT negotiations all bear legacies that are "unresolved today" and were unresolved

then. (To say that these matters "stretched into the Ford Presidency" is to say, in effect, nothing at all except that this pallid interregnum did, historically speaking, occur.)

In most of his writing about himself (and, one presumes, in most of his presentations to his clients) Kissinger projects a strong impression of a man at home in the world and on top of his brief. But there are a number of occasions when it suits him to pose as a sort of Candide, naive and ill prepared and easily unhorsed by events. No doubt this pose costs him something in self-esteem. It is a pose, furthermore, that he often adopts at precisely the time when the record shows him to be knowledgeable and when knowledge or foreknowledge would also confront him with charges of responsibility or complicity.

Cyprus in 1974 is just such a case. Kissinger now argues, in the third volume of his memoirs, Years of Renewal, that he was prevented and distracted, by Watergate and the deliquescence of the Nixon presidency, from taking a timely or informed interest in the crucial triangle of Greece, Turkey, and Cyprus. This is a bizarre disclaimer: the phrase "eastern flank of NATO" was then a geopolitical commonplace of the first importance, and the proximity of Cyprus to the Middle East was a factor never absent from American strategic thinking. There was no reason of domestic policy to prevent the region from engaging his attention. Furthermore, the very implosion of Nixonian authority, cited as a reason for Kissinger's own absence of mind, in fact bestowed extraordinary powers upon him. To restate the obvious once more: When he became secretary of state in 1973, he took care to retain his post as "special assistant to the president for national security affairs," or, as we now say, national security adviser. This made him the first and only secretary of state to hold the chairmanship of the 40 Committee, which, of course, considered and approved covert actions by the CIA. Meanwhile, as chairman of the National Security Council, he held a position in which every important intelligence plan passed across his desk. His former NSC aide, Roger Morris, was not exaggerating by much, if at all, when he said that Kissinger's dual position, plus Nixon's eroded one, made him "no less than acting chief of state for national security."

Kissinger gives one hostage to fortune in Years of Upheaval and another in Years of Renewal. In the former volume he says, quite plainly: "I had always taken it for granted that the next communal crisis in Cyprus would provoke Turkish intervention"--i.e., would at least risk the prospect of a war within NATO between Greece and Turkey and would certainly involve the partition of the island. That this was indeed common knowledge may not be doubted by any person even lightly acquainted with Cypriot affairs. In the latter volume, wherein Kissinger finally takes up the challenge implicitly refused in the first volume, he repeatedly asks the reader why anyone (such as himself, so burdened with Watergate) would have sought "a crisis in the eastern Mediterranean between two NATO allies."

These two disingenuous statements need to be qualified in the light of a third one, which appears on page 199 of Years of Renewal. Here, President Makarios of Cyprus is described without adornment as "the proximate cause of most of Cyprus's tensions." Makarios was the democratically elected leader of a virtually unarmed republic, which was at the time in an association agreement with the European Economic Community, as well as a member of the United Nations and of the Commonwealth. His rule was challenged, and the independence of Cyprus threatened, by a military dictatorship in Athens and a highly militarized government in Turkey, both of which sponsored right-wing gangster organizations on the island, and both of which had plans to annex the greater or lesser part of it. In spite of this, "intercommunal" violence had been on the decline in Cyprus throughout the 1970s. Most killings were, in fact, "intramural": of Greek and Turkish democrats or internationalists by their

respective nationalist and authoritarian rivals. Several attempts, by Greek and Greek Cypriot fanatics, had been made on the life of President Makarios himself. To describe his person as the "proximate cause" of most of the tensions is to make a wildly aberrant moral judgment.

This same aberrant judgment, however, supplies the key that unlocks the lie at the heart of Kissinger's chapter. If the elected civilian authority (and spiritual leader of the Greek Orthodox community) is the "proximate cause" of the tensions, then his removal from the scene is self-evidently the cure for them. If one can demonstrate that there was such a removal plan, and that Kissinger knew about it in advance, then it follows logically and naturally that he was not ostensibly looking for a crisis--as he self-pityingly asks us to disbelieve--but for a solution. The fact that he got a crisis, which was also a hideous calamity for Cyprus and the region, does not change the equation or undo the syllogism. The scheme to remove Makarios, on which the "solution" depended, was in practice a failure. But those who willed the means and wished the ends are not absolved from guilt by the refusal of reality to match their schemes.

It is, from Kissinger's own record and recollection, as well as the subsequent official inquiry, quite easy to demonstrate that he did have advance knowledge of the plan to depose and kill Makarios. He admits as much himself, by noting that the Greek dictator Dimitrios Ioannides, head of the secret police, was determined to mount a coup in Cyprus and bring the island under the control of Athens. This was one of the better-known facts of the situation, as was the more embarrassing fact that Brigadier Ioannides was dependent on American military aid and political sympathy. His police state had long since been expelled from the Council of Europe and blocked from joining the EEC, and it was largely the advantage conferred by his agreement to "home port" the U.S. Sixth Fleet, and host a string of U.S. air force and intelligence bases, that kept him in power. This lenient policy was highly controversial in Congress and in the American press, and the argument over it was part of Kissinger's daily bread long before the Watergate drama.

Thus it was understood in general that the Greek dictatorship, an American client, wished to see Makarios overthrown and had already tried to kill him or have him killed. (Overthrow and assassination, incidentally, are effectively coterminous in this account; there was no possibility of leaving such a charismatic leader alive, and those who sought his removal invariably intended his death.) This was also understood in particular. The most salient proof is this: In May of 1974, two months before the coup in Cyprus's capital, Nicosia, which Kissinger later claimed came as a shock to him, he received a memorandum from the head of his State Department Cyprus desk, Thomas Boyatt. Boyatt summarized all the cumulative and persuasive reasons for believing that a Greek junta attack on Cyprus and Makarios was imminent. He further argued that, in the absence of an American demarche to Athens, warning the dictators to desist, it might be assumed that the United States was indifferent to this. And he added what everybody knew: that such a coup, if it went forward, would beyond doubt trigger a Turkish invasion.

Prescient memos are a dime a dozen in Washington after a crisis; they are often then read for the first time, or leaked to the press or to Congress in order to enhance (or protect) some bureaucratic reputation. But Kissinger now admits that he saw this document in real time, while engaged in his shuttle between Syria and Israel (both of them within half an hour's flying time of Cyprus). Yet no demarche bearing his name or carrying his authority was

issued to the Greek junta.

A short while afterward, on June 7, 1974, the National Intelligence Daily, which is the breakfast-table reading of all senior State Department, Pentagon, and national security officials, cited an American field report, dated June 3, that stated the views of the dictator in Athens:

> Ioannides claimed that Greece is capable of removing Makarios and his key supporters from power in twenty-four hours with little if any blood being shed and without EOKA assistance. [EOKA was a Greek-Cypriot fascist underground, armed and paid by the junta.] The Turks would quietly acquiesce to the removal of Makarios, a key enemy ... Ioannides stated that if Makarios decides on some type of extreme provocation against Greece to obtain a tactical advantage, he (Ioannides) is not sure whether he should merely pull the Greek troops out of Cyprus and let Makarios fend for himself, or remove Makarios once and for all and have Greece deal directly with Turkey over Cyprus' future.

This report and its contents were later authenticated before Congress by CIA staff who had served in Athens at the relevant time. The fact that it made Brigadier Ioannides seem bombastic and delusional--both of which he was--should have underlined the obvious and imminent danger.

At about the same time, Kissinger received a call from Senator J. William Fulbright, the chairman of the Senate Foreign Relations Committee. Senator Fulbright had been briefed about the impending coup by a senior Greek dissident journalist in Washington named Elias P. Demetracopoulos. According to Demetracopoulos, Fulbright told Kissinger that steps should be taken to avert the planned Greek action, and he gave three reasons. The first was that it would repair some of the moral damage done by America's indulgence of the junta. The second was that it would head off a confrontation between Greece and Turkey in the Mediterranean. The third was that it would enhance American prestige on the island. Kissinger declined to take the recommended steps, on the bizarre grounds that he could not intervene in Greek "internal affairs" at a time when the Nixon Administration was resisting pressure from Senator Henry Jackson to link U.S.-Soviet trade to the free emigration of Russian Jewry. However odd this line of argument, it still makes it quite impossible for Kissinger to claim, as he still does, that he had had no warning.

So there was still no American high-level concern registered with Athens. The difficulty is sometimes presented as one of protocol or etiquette, as if Kissinger's regular custom was to whisper and tread lightly. Ioannides was the de facto head of the regime but technically only its secret police chief. For the U.S. ambassador, Henry Tasca, it was awkward to make diplomatic approaches to a man he described as "a cop." But again I remind you that Henry Kissinger, in addition to his formal diplomatic eminence, was also head of the 40 Committee, and therefore the supervisor of American covert action, and was dealing in private with an Athens regime that had long-standing ties to the CIA. The 1976 House Committee on Intelligence later phrased the problem rather deftly in its report:

> Tasca, assured by the CIA station chief that Ioannides would continue to deal only with the CIA, and not sharing the State Department desk officer's alarm, was content to pass a message to the Greek leader indirectly.... It is clear, however, that the Embassy took no steps to underscore for Ioannides the depth of U.S. concern over a Cyprus coup attempt. This episode, the exclusive CIA access to Ioannides, Tasca's indications that he may not have seen all important messages to and from the CIA Station, Ioannides' suggestions of U.S. acquiescence, and Washington's well-known coolness to Makarios have led to public speculation that either U.S. officials were inattentive to the reports of the developing crisis or simply allowed it to happen.... [Italics added.]

Thomas Boyatt's memoranda, warning of precisely what was to happen (and echoing the views of several mid-level officials besides himself), were classified as secret and still have never been released. Asked to testify at the above hearings, he was at first forbidden by Kissinger to appear before

Congress and was finally permitted to do so only in order that he might avoid a citation for contempt. His evidence was taken in Executive Session, with the hearing room cleared of staff, reporters, and visitors.

Matters continued to gather pace. On July 1, 1974, three senior officials of the Greek foreign ministry, all of them known for their moderate views on the Cyprus question, publicly tendered their resignations. On July 3, President Makarios made public an open letter to the Greek junta, which made the direct accusation of foreign interference and subversion:

> In order to be absolutely clear, I say that the cadres of the military regime of Greece support and direct the activities of the EOKA-B terrorist organization.... I have more than once so far felt, and some cases I have almost touched, a hand invisibly extending from Athens and seeking to liquidate my human existence.

He called for the withdrawal from Cyprus of the Greek officers responsible. Some days after the coup, which eventually occurred on July 15, 1974, and when challenged at a press conference about his apparent failure to foresee or avert it, Kissinger replied that "the information was not lying around on the streets." Actually, it nearly was. It had been available to him round the clock, in both his diplomatic and intelligence capacities. His decision to do nothing was therefore a direct decision to do something, or to let something be done.

To the rest of the world, two things were obvious about the coup. The first was that it had been instigated from Athens and carried out with the help of regular Greek forces, and was thus a direct intervention in the internal affairs of one country by another. The second was that it violated all the existing treaties governing the status of the island. The obvious and unsavory illegality was luridly emphasized by the junta itself, which chose a notorious chauvinist gunman named Nikos Sampson to be its proxy "president." Sampson must have been well known to the chairman of the 40 Committee as a long-standing recipient of financial support from the CIA; he also received money for his fanatical Nicosia newspaper Makhi ("Combat") from a pro-junta CIA proxy in Athens, Mr. Savvas Constantopoulos, the publisher of the pro-junta organ Eleftheros Kosmos ("Free World"). No European government treated Sampson as anything but a pariah during the brief nine days in which he held power and launched a campaign of murder against his democratic Greek opponents. But Kissinger told the American envoy in Nicosia to receive Sampson's "foreign minister" as foreign minister, thus making the United States the first and only government to extend de facto recognition. (At this point, it might be emphasized, the whereabouts of President Makarios were unknown. His palace had been heavily shelled and his death announced on the junta's radio. He had in fact made his escape, and was able to broadcast the fact a few days afterward--to the enormous irritation of certain well-placed persons.)

In Washington, Kissinger's press spokesman, Robert Anderson, flatly denied that the coup--later described by Makarios from the podium of the United Nations as "an invasion"--constituted foreign intervention. "No," he replied to a direct question on this point. "In our view there has been no outside intervention." This surreal position was not contradicted by Kissinger when he met with the Cypriot ambassador and failed to offer the customary condolences on the reported death of his president--the "proximate cause," we now learn from him, of all the unpleasantness. When asked if he still recognized the elected Makarios government as the legal one, Kissinger doggedly and astonishingly refused to answer. When asked if the United States was moving toward recognition of the Sampson regime, his spokesman declined to deny it. When Senator Fulbright helped facilitate a visit by the escaped Makarios to Washington, the State Department was asked whether he would be received by Kissinger "as a private citizen, as Archbishop, or as President of Cyprus?" The answer? "[Kissinger]'s meeting with Archbishop Makarios on Monday." Every other government in the world, save the rapidly

collapsing Greek dictatorship, recognized Makarios as the legitimate head of the Cyprus republic. Kissinger's unilateralism on the point is without diplomatic precedent and argues strongly for his collusion and sympathy with the armed handful who felt the same way.

It is worth emphasizing that Makarios was invited to Washington in the first place, as elected and legal president of Cyprus, by Senator William J. Fulbright of the Senate Foreign Relations Committee and by his counterpart, Congressman Thomas Morgan, chairman of the House Foreign Affairs Committee. Credit for their invitation belongs to the above-mentioned Elias Demetracopoulos, who had long warned of the coup and who was a friend of Fulbright's. It was he who conveyed the invitation to Makarios, who was by then in London meeting with the British foreign secretary. This initiative crowned a series of anti-junta activities by this guerrilla journalist and one-man band, who had already profoundly irritated Kissinger and become a special object of his spite. At the very last moment, and with a very poor grace, Kissinger was compelled to announce that he was receiving Makarios in his presidential and not his episcopal capacity.

Since Kissinger himself tells us that he had always known or assumed that another outbreak of violence in Cyprus would trigger a Turkish military intervention, we can assume in our turn that he was not surprised when such an intervention came. Nor does he seem to have been very much disconcerted. While the Greek junta remained in power, his efforts were principally directed to shielding it from retaliation. He was opposed to the return of Makarios to the island and strongly opposed to Turkish or British use of force to undo the Greek coup (Britain being a guarantor power with a treaty obligation and troops on Cyprus). This same counsel of inertia or inaction--amply testified to in Kissinger's own memoirs as well as everyone else's--translated later into equally strict and repeated admonitions against any measures to block a Turkish invasion. Sir Tom McNally, then the chief political adviser to Britain's then foreign secretary and future prime minister, James Callaghan, has since disclosed that Kissinger "vetoed" at least one British military action to preempt a Turkish landing.

This may seem paradoxical, but the long-standing sympathy for a partition of Cyprus, repeatedly expressed by the State and Defense departments, make it seem much less so. The demographic composition of the island (82 percent Greek, 18 percent Turkish) made it more logical for the partition to be imposed by Greece. But a second best was to have it imposed by Turkey. And once Turkey had conducted two brutal invasions and occupied almost 40 percent of Cypriot territory, Kissinger exerted himself very strongly indeed to protect Turkey from any congressional reprisal for this outright violation of international law and promiscuous and illegal misuse of American weaponry. He became so pro-Turkish, in fact, that it was if he had never heard of the Greek colonels (though his expressed dislike of the returned Greek democratic leaders supplied an occasional reminder).

Not all the elements of this partitionist policy can be charged to Kissinger personally; he inherited the Greek junta and the official dislike of Makarios. Even in the dank obfuscatory prose of his own memoirs, however, he does admit what can otherwise be concluded from independent sources. Using covert channels, and short-circuiting the democratic process in his own country, he made himself a silent accomplice in a plan of political assassination, and when this plan went awry it led to the deaths of thousands of civilians, the violent uprooting of almost 200,000 refugees, and the creation

of an unjust and unstable amputation of Cyprus that constitutes a serious threat to peace a full quarter century later.

On July 10, 1976, the European Commission of Human Rights adopted a report, prepared by eighteen distinguished jurists and chaired by Professor J.E.S. Fawcett, resulting from a year's research into the consequences of the Turkish invasion. It found that the Turkish army had engaged in the deliberate killing of civilians, in the execution of prisoners, in the torture and ill-treatment of detainees, in the arbitrary collective punishment and mass detention of civilians, and in systematic and unpunished acts of rape, torture, and looting. A large number of "disappeared" persons, both prisoners of war and civilians, are still "missing" from this period. This number included a dozen holders of United States passports, which is evidence in itself of an indiscriminate strategy when conducted by an army dependent on American aid and materiel.

Perhaps it was a reluctance to accept his responsibility for these outrages, as well as his responsibility for the original Sampson coup, that led Kissinger to tell a bizarre sequence of lies to his new friends, the Chinese. On October 2, 1974, he held a high-level meeting in New York with Qiao Guanhua, vice foreign minister of the People's Republic. It was the first substantive Sino-American meeting since the visit of Deng Xiaoping, and the first order of business was Cyprus. The memorandum, which is headed "TOP SECRET/SENSITIVE/EXCLUSIVELY EYES ONLY," has Kissinger first rejecting China's public claim that he had helped engineer the removal of Makarios. "We did not. We did not oppose Makarios" (a claim belied by his own memoirs). He says, "When the coup occurred I was in Moscow," which he was not. He says, "My people did not take these intelligence reports [concerning an impending coup] seriously," even though they had. He says that neither did Makarios take them seriously, even though Makarios had gone public in a denunciation of the Greek junta for its coup plans. He then makes the amazing claim that "we knew the Soviets had told the Turks to invade," which would make this the first Soviet-instigated invasion to be conducted by a NATO army and paid for with American aid.

A good liar must have a good memory. Kissinger is a stupendous liar with a remarkable memory. So perhaps some of this hysterical lying is explained by its context: the need to enlist China's anti-Soviet instincts. But the total of falsity is so impressive that it suggests something additional, something more like denial or delusion, or even a confession by other means.

BLOODBATH IN BANGLADESH

Cyprus was not the first instance in which a perceived need to mollify China outweighed even the most minimal concern for human life elsewhere. On April 6, 1971, a cable of protest was written from the United States Consulate in what was then East Pakistan, the Bengali "wing" of the Muslim state of Pakistan, known to its restive nationalist inhabitants by the name Bangladesh. The cable's senior signatory, the consul general in Dhaka, was named Archer Blood, though it might have become known as the Blood Telegram in any case. Sent directly to Washington, its purpose was, quite simply, to denounce the complicity of the United States government in genocide. Its main section read:

> OUR GOVERNMENT HAS FAILED TO DENOUNCE THE SUPPRESSION OF DEMOCRACY. OUR GOVERNMENT HAS FAILED TO TAKE FORCEFUL MEASURES TO PROTECT ITS CITIZENS WHILE AT THE SAME TIME BENDING OVER BACKWARDS TO PLACATE THE WEST PAK[ISTAN] DOMINATED OVERNMENT. OUR GOVERNMENT HAS EVIDENCED WHAT MANY WILL CONSIDER MORAL BANKRUPTCY, IRONICALLY AT A TIME WHEN THE USSR SENT

> PRESIDENT YAHYA KHAN A MESSAGE DEFENDING DEMOCRACY, CONDEMNING THE ARREST OF A LEADER OF A DEMOCRATICALLY ELECTED MAJORITY PARTY. ... BUT WE HAVE CHOSEN NOT TO INTERVENE, EVEN MORALLY, ON THE GROUNDS THAT THE AWAMI CONFLICT, IN WHICH UNFORTUNATELY THE OVERWORKED TERM GENOCIDE IS APPLICABLE, IS PURELY AN INTERNAL MATTER OF A SOVEREIGN STATE. PRIVATE AMERICANS HAVE EXPRESSED DISGUST. WE, AS PROFESSIONAL PUBLIC SERVANTS, EXPRESS OUR DISSENT WITH CURRENT POLICY AND FERVENTLY HOPE THAT OUR TRUE AND LASTING INTERESTS HERE CAN BE DEFINED AND OUR POLICIES REDIRECTED....
> [Italics added.]

This was signed by twenty members of the United States' diplomatic equipe in Bangladesh and, on its arrival at the State Department, by a further nine senior officers in the South Asia division. It was the most public and the most strongly worded demarche, from State Department servants to the State Department, that has ever been recorded.

The circumstances fully warranted the protest. In December 1970, the Pakistani military elite had permitted the first open elections in a decade. The vote was easily won by Sheikh Mujibur Rahman, the leader of the Bengali-based Awami League, who gained a large overall majority in the proposed National Assembly. (In the East alone, it won 167 out of 169 seats.) This, among other things, meant a challenge to the political and military and economic hegemony of the Western "wing." The National Assembly had been scheduled to meet on March 3, 1971. On March 1, General Yahya Khan, head of the supposedly outgoing military regime, postponed its convening, which resulted in mass protests and nonviolent civil disobedience in the East.

On March 25, 1971, the Pakistani army struck at the Bengali capital of Dhaka. Having arrested and kidnapped Sheikh Mujibur Rahman, and taken him to West Pakistan, it set about massacring his supporters. The foreign press had been preemptively expelled from the city, but much of the direct evidence of what then happened was provided via a radio transmitter operated by the American consulate. Archer Blood himself supplied an account of one episode directly to the State Department and to Henry Kissinger's National Security Council. Having readied the ambush, Pakistani regular soldiers set fire to the women's dormitory at the university and then mowed the occupants down with machine guns as they sought to escape. (The guns, along with all the other weaponry, had been furnished under American military-assistance programs.)

Other reports, since amply vindicated, were supplied to the London Times and Sunday Times by the courageous reporter Anthony Mascarenhas and flashed around a horrified world. Rape, murder, dismemberment, and the state murder of children were employed as deliberate methods of repression and intimidation. At least 10,000 civilians were butchered in the first three days. The eventual civilian death toll has never been placed at less than half a million and has been put as high as 3 million. Since almost all Hindu citizens were at risk by definition from Pakistani military chauvinism (not that Pakistan's Muslim co-religionists were spared), a vast movement of millions of refugees--perhaps as many as 10 million began to cross the Indian frontier. To summarize, then: first, the direct negation of a democratic election; second, the unleashing of a genocidal policy; third, the creation of a very dangerous international crisis. Within a short time, Ambassador Kenneth Keating, the ranking American diplomat in New Delhi, had added his voice to those of the dissenters. It was a time, he told Washington, when a principled stand against the authors of this aggression and atrocity would also make the best pragmatic sense. Keating, a former senator from New York, used a very suggestive phrase in his cable of March 29, 1971, calling on the administration to "PROMPTLY, PUBLICLY AND PROMINENTLY DEPLORE THIS BRUTALITY." It was "MOST IMPORTANT THESE ACTIONS BE TAKEN NOW," he warned, "PRIOR TO INEVITABLE AND IMMINENT EMERGENCE

OF HORRIBLE TRUTHS."

Nixon and Kissinger acted quickly. That is to say, Archer Blood was immediately recalled from his post, and Ambassador Keating was described by the president to Kissinger, with some contempt, as having been "taken over by the Indians." In late April 1971, at the very height of the mass murder, Kissinger sent a message to General Yahya Khan, thanking him for his "delicacy and tact."

We now know of one reason why the general was so favored at a time when he had made himself--and his patrons--responsible for the grossest crimes against humanity. In April 1971, an American Ping-Pong team had accepted a surprise invitation to compete in Beijing, and by the end of that month, using the Pakistani ambassador as an intermediary, the Chinese authorities had forwarded a letter inviting Nixon to send an envoy. Thus there was one motive of realpolitik for the shame that Nixon and Kissinger were to visit on their own country for its complicity, in the extermination of the Bengalis.

Those who like to plead realpolitik, however, might wish to consider some further circumstances. There already was, and had been for some time, a "back channel" between Washington and Beijing. It ran through Nicolae Ceausescu's Romania; not a decorative choice but not, at that stage, a positively criminal one. To a serious person like Chou En-Lai, there was no reason to confine approaches to the narrow channel afforded by a blood-soaked (and short-lived, as it turned out) despot like the delicate and tactful Yahya Khan. Either Chou En-Lai wanted contact, in other words, or he did not. As Lawrence Lifschultz, the primary historian of this period, has put it:

> Winston Lord, Kissinger's deputy at the National Security Council, stressed to investigators the internal rationalization developed within the upper echelons of the Administration. Lord told [the staff of the Carnegie Endowment for International Peace], "We had to demonstrate to China we were a reliable government to deal with. We had to show China that we respect a mutual friend." How, after two decades of belligerent animosity with the People's Republic, mere support for Pakistan in its bloody civil war was supposed to demonstrate to China that the U.S. "was a reliable government to deal with" was a mystifying proposition which more cynical observers of the events, both in and outside the U.S. government, consider to have been an excuse justifying the simple convenience of the Islamabad link--a link which Washington had no overriding desire to shift.

Second, the knowledge of this secret diplomacy and its accompanying privileges obviously freed the Pakistani general of such restraints as might have inhibited him. He told his closest associates, including his minister of communications, G. W. Choudhury, that his private understanding with Washington and Beijing would protect him. Choudhury later wrote, "If Nixon and Kissinger had not given him that false hope, he'd have been more realistic." Thus the collusion with him in the matter of China increases the direct complicity of Nixon and Kissinger in the massacres.

Only a reopened congressional inquiry with subpoena power could determine whether there was any direct connection, apart from the self-evident ones of consistent statecraft attested by recurring and reliable testimony, between the secret genocidal diplomacy of 1971 and the secret destabilizing diplomacy of 1975. The task of disproving such a connection, meanwhile, would appear to rest on those who believe that everything is an accident.

TIMOR MORTIS

One small but significant territory has the distinction of being omitted--entirely omitted--from Henry Kissinger's memoirs. And since East Timor is left out of the third and final volume (Years of Renewal) it cannot hope, like Cyprus, for a

hasty later emendation. It has, in short, been airbrushed.

The date of the Indonesian invasion of this small neighboring country--December 7, 1975--is significant. On that date, President Gerald Ford and his secretary of state, Henry Kissinger, arrived in Hawaii, having concluded an official visit to Jakarta. Since they had come fresh from a meeting with Indonesia's military junta, and since the United States was Indonesia's principal supplier of military hardware (Portugal, a NATO ally, had broken relations with Indonesia on the point), it seemed reasonable to inquire whether the two leaders had given the invaders any impression amounting to a "green light." The president was evasive:

> When he landed at Hawaii, reporters asked Mr. Ford for comment on the invasion of Timor. He smiled and said: "We'll talk about that later." But press secretary Ron Nessen later gave reporters a statement saying: "The United States is always concerned about the use of violence. The President hopes it can be resolved peacefully."

The literal incoherence of this official utterance--a peaceful resolution to a use of violence--may perhaps have possessed an inner coherence: the hope of a speedy victory for overwhelming force. Kissinger moved this suspicion a shade nearer to actualization in his own more candid comment, which was offered while he was still on Indonesian soil. He told the press in Jakarta that the United States would not recognize the republic declared by FRETILIN (Revolutionary Front for the Liberation of East Timor) and that "the United States understands Indonesia's position on the question."

So gruesome were the subsequent reports of mass slaughter, rape, and deliberate starvation that bluntness fell somewhat out of fashion. The killing of several Australian journalists who had witnessed Indonesia's atrocities, the devastation in the capital city of Dili, and the stubbornness of FRETILIN's hugely outgunned rural resistance made East Timor an embarrassment to, rather than an advertisement for, Jakarta's new order. Kissinger generally attempted to avoid any discussion of his involvement in the extirpation of the Timorese--an ongoing involvement, since he authorized backdoor shipments of weapons to those doing the extirpating--and was ably seconded in this by his ambassador to the United Nations, Daniel Patrick Moynihan, who later confided in his memoir, A Dangerous Place, that in the matter of East Timor the initial invasion toll was "almost the proportion of casualties experienced by the Soviet Union during the Second World War." Moynihan continued:

> [T]he 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.

The terms "United States" and "Department of State" are here foully prostituted, by this supposed prose master, since they are used as synonyms for Henry Kissinger.

Twenty years later, on July 11, 1995, Kissinger was confronted with direct questions on the subject. Publicizing and promoting his then latest book, Diplomacy, at an event sponsored by The Learning Exchange at the Park Central Hotel in New York City, he perhaps (having omitted Timor from his book and from his talk) did not anticipate the first line of questioning that arose from the floor. Constancio Pinto, a former resistance leader in Timor who had been captured and tortured and had escaped to the United States, opened the bidding:

PINTO: I am Timorese. My name is Constancio Pinto. And I followed your speech today and it's really interesting. One thing that I know you didn't mention is this place invaded by Indonesia in 1975. It is in Southeast Asia. As a result of the invasion 200,000 people of the Timorese were killed. As far as I

know Dr. Kissinger was in Indonesia the day before the invasion of East imor. The United States actually supported Indonesia in East Timor. So I would like to know what you were doing at that time.

KISSINGER: What was I doing at that time? The whole time or just about Timor? ... What most people who deal with government don't understand is one of the most overwhelming experiences of being in high office. That there are always more problems than you can possibly address at any one period. And when you're in global policy and you're a global power, there are so many issues.... We had at that time, there was a war going on in Angola. We had just been driven out of Vietnam. We were conducting negotiations in the Middle East, and Lebanon had blown up. We were on a trip to China. Maybe, regrettably, we weren't ever thinking about Timor. I'm telling you what the truth of the matter is. The reason we were in Indonesia was actually accidental. We had originally intended to go to China, we meaning President Ford and myself and some others. We had originally intended to go to China for five days. This was the period when Mao was very sick and there had been an upheaval in China.... So we cut our trip to China short....

Timor was never discussed with us when we were in Indonesia. At the airport as we were leaving, the Indonesians told us that they were going to occupy the Portuguese colony of Timor. To us that did not seem like a very significant event, because the Indians had occupied the Portuguese colony of Goa ten years earlier, and to us it looked like another process of decolonization. Nobody had the foggiest idea of what would happen afterwards, and nobody asked our opinion, and I don't know what we could have said if someone had asked our opinion....

Now there's been a terrible human tragedy in Timor afterwards. The population of East Timor has resisted, and I don't know whether the casualty figures are correct. I just don't know, but they're certainly significant, and there's no question that it's a huge tragedy. All I'm telling you is what we knew in 1975. This was not a big thing on our radar screen. Nobody has ever heard again of Goa after the Indians occupied it.... And to us, Timor, look at a map, it's a little speck of an island in a huge archipelago, half of which was Portuguese. We had no reason to say the Portuguese should stay there....

ALLAN NAIRN: Mr. Kissinger, my name is Allan Nairn. I'm a journalist in the United States. I'm one of the Americans who survived the massacre in East Timor on November 12, 1991, a massacre during which Indonesian troops armed with American M-16s gunned down at least 271 Timorese civilians in front of the Santa Cruz Catholic cemetery as they were gathered in the act of peaceful mourning and protest. Now you just said that in your meeting with Suharto on the afternoon of December 6, 1975, you did not discuss Timor, you did not discuss it until you came to the airport. Well, I have here the official State Department transcript of your and President Ford's conversation with General Suharto, the dictator of Indonesia.... It has been edited under the Freedom of Information Act, so the whole text isn't there. It's clear from the portion of the text that is here that in fact you did discuss the impending invasion of Timor with Suharto, a fact which was confirmed to me by President Ford himself in an interview I had with him. President Ford told me that in fact you discussed the impending invasion of Timor with Suharto and that you gave the U.S....

KISSINGER: Who? I or he?

NAIRN: That you and President Ford together gave U.S. approval for the invasion of East Timor. There is another internal State Department memo.... This is a memo of a December 18, 1975, meeting held at the State Department. This was held right after your return from that trip, and you were berating your staff for having put on paper a finding by the State Department legal adviser Mr. Leigh that the Indonesian invasion of East Timor was illegal, that it not only violated international law, it violated a treaty with the U.S. because U.S. weapons were used, and it's clear from this transcript, which I invite anyone in the audience to peruse, that you were angry at them first because you feared this memo would leak and second because you were supporting the Indonesian invasion of East Timor.... If one looks at the public actions, sixteen hours after you left that meeting with Suharto the Indonesian troops began parachuting over Dili, the capital of East Timor. They came ashore and began the massacres that culminated in a third of the Timorese population [being killed]. You announced an immediate doubling of U.S. military aid to Indonesia at the time....

KISSINGER: Look, I think we all got the point ...

NAIRN: My question, Mr. Kissinger, my question, Dr. Kissinger, is twofold: First, will you give a waiver under the Privacy Act to support full declassification of this memo so we can see exactly what you and President Ford said to Suharto? Secondly, would you support the convening of an international war-crimes tribunal under U.N. supervision on the subject of East Timor, and would you agree to abide by its verdict in regard to your own conduct?

KISSINGER: I mean, uh, really, this sort of comment is one of the reasons why the conduct of foreign policy is becoming nearly impossible under these conditions. Here is a fellow who's got one obsession ... he collects a bunch of documents, you don't know what is in these documents ...
NAIRN: I invite your audience to read them.

It's interesting to notice the final decomposition of Kissinger's normally efficient if robotic syntax in that final answer. It's also interesting to see, once again, the operations of his denial mechanism. If Kissinger and his patron Nixon were identified with any one core belief, it was that the United States should never be, or even appear to be, a "pitiful, helpless giant." Kissinger's own writings and speeches are heavily larded with rhetoric about "credibility" and the need to impress both friend and foe with the mettle of American resolve. Yet, in response to any inquiry that might implicate him in crime and fiasco, he rushes to humiliate his own country and its professional servants, suggesting that they know little, care less, are poorly informed, and are easily rattled by the pace of events. He also resorts to a demagogic isolationism. This is as much as to claim that the United States is a pushover for any ambitious or irredentist banana republic.

This semiconscious reversal of rhetoric also leads to renewed episodes of hysterical and improvised lying. (Recall his claim to the Chinese that it was the Soviets who had instigated the Turkish invasion of Cyprus.) The idea that Indonesia's annexation of Timor may be compared to India's occupation of Goa is too absurd to have been cited in any apologia before or since. What Kissinger seems to like about the comparison is the rapidity with which Goa was forgotten. What he overlooks is that it was forgotten because (1) it was not a bloodbath on the scale of Timor and (2) it completed the decolonization of

India. Timor represented the cementing of colonization by Indonesia. And, quite clearly, an Indonesian invasion that began a few hours after Kissinger had left the tarmac at Jakarta airport must have been planned and readied several days before he arrived. Such plans would have been known by any embassy military attache and certainly by any visiting secretary of state. We have, in fact, the word of C. Philip Liechty, a former CIA operations officer in Indonesia, that

> Suharto was given the green light to do what he did. 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 that time. ... Without continued heavy U.S. logistical military support the Indonesians might not have been able to pull it off.

The desire to appear to have been uninvolved may--if we are charitable--arise in part from the fact that even Indonesia's foreign minister, Adam Malik, conceded in public a death toll of between 50,000 and 80,000 Timorese civilians in the first eighteen months of Indonesia's war of subjugation: in other words, on Kissinger's watch, and inflicted with weapons that he bent American laws to furnish to the killers. Now that a form of democracy has returned to Indonesia, which in its first post-dictatorial act renounced the annexation of East Timor and--after a bloody last pogrom by its auxiliaries --withdrew from the territory, we may be able to learn more exactly the extent of the quasigenocide.

Kissinger's arrogance in 1975 did not dispose of two matters of legality, both of them in the province of the State Department. The first was the violation of international law by Indonesia, in a case where jurisdiction clearly rested with a Portuguese and NATO government of which Kissinger (partly as a result of its support for "decolonization") did not approve. The second was the violation of American law, which stipulated that weapons supplied to Indonesia were to be employed only in self-defense. State Department officials, bound by law, were likewise bound to conclude that United States aid to the generals in Jakarta would have to be cut off. Their memo summarizing this case was the cause of the tremendous internal row that is minuted below:

SECRET/SENSITIVE
MEMORANDUM OF CONVERSATION

Participants:
The Secretary [Henry Kissinger]
Deputy Secretary [Robert] Ingersoll
Under Secretary [for Political Affairs Joseph] Sisco
Under Secretary [Carlyle] Maw
Deputy Under Secretary [Lawrence] Eagleburger
Assistant Secretary [Philip] Habib
Monroe Leigh, Legal Advisor
Jerry Bremer, Notetaker

Date: December 18, 1975

Subject: Department Policy

The Secretary [Kissinger]: I want to raise a little bit of hell about the Department's conduct in my absence. Until last week I thought we had a disciplined group; now we've gone to pieces completely. Take this cable on Timor. You know my attitude and anyone who knows my position as you do must know that I would not have approved it. The only consequence is to put yourself on record. It is a disgrace to treat the Secretary of State this way.... What possible explanation is there for it? I had told you to stop it quietly. What is your place doing, Phil, to let this happen? It is incomprehensible....

Habib: Our assessment was that if it was going to be trouble, it would come up before your return. And I was told they decided it was desirable to go ahead with the cable.

The Secretary: Nonsense. I said do it for a few weeks and then open up again.

Habib: The cable will not leak.

The Secretary: Yes it will and it will go to Congress too and then we will have

hearings on it.
Habib: I was away. I was told by cable that it had come up.
The Secretary: That means that there are two cables! And that means twenty guys have seen it.
Habib: No, I got it back channel--it was just one paragraph double talk and cryptic so I knew what it was talking about. I was told that Leigh thought that there was a legal requirement to do it.
Leigh: No, I said it could be done administratively. It was not in our interest to do it on legal grounds.
Sisco: We were told that you had decided we had to stop.
The Secretary: Just a minute, just a minute. You all know my view on this.... No one has complained that it was aggression.
Leigh: The Indonesians were violating an agreement with us.
The Secretary: The Israelis when they go into Lebanon--when was the last time we protested that?
Leigh: That's a different situation.

Maw: It is self-defense. The Secretary: And we can't construe a Communist government in the middle of Indonesia as self-defense?

Leigh: Well ...

The Secretary: Then you're saying that arms can't be used for defense?

Habib: No, they can be used for the defense of Indonesia. The Secretary: Now take a look at this basic theme that is coming out on Angola. These SOBs are leaking all of this stuff to [New York Times reporter] Les Gelb.

Sisco: I can tell you who.

The Secretary: Who?

Sisco: [National Security Council member William] Hyland spoke to him.

The Secretary: Wait a minute--Hyland said ...

Sisco: He said he briefed Gelb.

The Secretary: I want these people to know that our concern in Angola is not the economic wealth or a naval base. It has to do with the USSR operating 8,000 miles from home when all the surrounding states are asking for our help. This will affect the Europeans, the Soviets, and China.

On the Timor thing, that will leak in three months, and it will come out that Kissinger overruled his pristine bureaucrats and violated the law. [Italics added.] How many people in L [the legal adviser's office] know about this?

Leigh: Three.

Habib: There are at least two in my office.

The Secretary: Plus everybody in the meeting so you're talking about not less

than 15 or 20.

You have a responsibility to recognize that we are living in a revolutionary situation. Everything on paper will be used against me.

Habib: We do that and take account of that all the time....

The Secretary: Every day some SOB in the Department is carrying on about Angola but no one is defending Angola. Find me one quote in the Gelb article defending our policy in Angola.

Habib: I think the leaks and dissent are the burden you have to bear....

The Secretary: ... This is not minor league stuff. We are going to lose big. The President says to the Chinese that we're going to stand firm in Angola and two weeks later we get out. I go to a NATO meeting and meanwhile the Department leaks that we're worried about a naval base and says it's an exaggeration or aberration of Kissinger's. I don't care about the oil or the base but I do care about the African reaction when they see the Soviets pull it off and we don't do anything.... The Chinese will say we're a country that was run out of Indochina for 50,000 men and is now being run out of Angola for less than $50 million....

The Secretary: It cannot be that our agreement with Indonesia says that the arms are for internal purposes only. I think you will find that it says that they are legitimately used for self-defense.

There are two problems. The merits of the case which you had a duty to raise with me. The second is how to put these to me. But to put it in. to a cable 30 hours before I return, knowing how cables are handled in this building, guarantees that it will be a national disaster and that transcends whatever [Deputy Legal Adviser George] Aldrich has in his feverish mind.
I took care of it with the administrative thing by ordering Carlyle [Maw] not to make any new sales.

How will the situation get better in six weeks?

Habib: They may get it cleaned up by then.

The Secretary: The Department is falling apart and has reached the point where it disobeys clear-cut orders.

Habib: We sent the cable because we thought it was needed and we thought it needed your attention. This was ten days ago.

The Secretary: Nonsense. When did I get the cable, Jerry?

Bremer: Not before the weekend. I think perhaps on Sunday.

The Secretary: You had to know what my view on this was. No one who has worked with me in the last two years could not know what my view would be

on Timor.

Habib: Well, let us look at it--talk to Leigh. There are still some legal requirements. I can't understand why it went out if it was not legally required.

The Secretary: Am I wrong in assuming that the Indonesians will go up in smoke if they hear about this?

Habib: Well, it's better than a cutoff. It could be done at a low level.

The Secretary: We have four weeks before Congress comes back. That's plenty of time.

Leigh: The way to handle the administrative cutoff would be that we are studying the situation.

The Secretary: And 36 hours was going to be a major problem?

Leigh: We had a meeting in Sisco's office and decided to send the message.

The Secretary: I know what the law is but how can it be in the U.S. national interest for us to give up on Angola and kick the Indonesians in the teeth? Once it is on paper, there will be a lot of FSO-6's who can make themselves feel good who can write for the Open Forum Panel on the thing even though I will turn out to be right in the end.

Habib: The second problem on leaking of cables is different.

The Secretary: No it's an empirical fact.

Eagleburger: Phil, it's a fact. You can't say that any NODIS ["No Distribution": the most restricted level of classification] cable will leak but you can't count on three to six months later someone asking for it in Congress. If it's part of the written record, it will be dragged out eventually.

The Secretary: You have an obligation to the national interest. I don't care if we sell equipment to Indonesia or not. I get nothing from it. I get no rakeoff. But you have an obligation to figure out how to serve your country. The Foreign Service is not to serve itself. The Service stands for service to the United States and not service to the Foreign Service.

Habib: I understand that that's what this cable would do.

The Secretary: The minute you put this into the system you cannot resolve it without a finding.

Leigh: There's only one question. What do we say to Congress if we're asked?

The Secretary: We cut it off while we are studying it. We intend to start again in January.(3)

Nobody, it must be said, comes out of this meeting especially well; the

secretary's civil servants were anything but "pristine." Still it can be noted of Kissinger that, in complete contrast to his public statements, he (1) forbore from any mention of Goa; (2) did not trouble to conceal his long-held views on the matter, berating his underlings for being so dense as not to know them; (3) did not affect to be taken by surprise by events in East Timor; (4) admitted that he was breaking the law; and (5) felt it necessary to deny that he could profit personally from the arms shipments, a denial for which nobody had asked him.
That Kissinger understood Portugal's continuing legal sovereignty in East Timor is shown by a NODIS memorandum of a Camp David meeting between himself, General Suharto, and President Ford on the preceding July 5, 1975. Almost every line of the text has been deleted by official redaction, and much of the discussion is unilluminating except about the eagerness of the administration to supply naval, air, and military equipment to the junta, but at one point, just before Kissinger makes his entrance, President Ford asks his guest: "Have the Portuguese set a date yet for allowing the Timor people to make their choice?" The entire answer is obliterated by deletion, but let it never be said that Kissinger's State Department did not know that Portugal was entitled, indeed mandated, to hold a free election for the Timorese. It is improbable that Suharto, in the excised answer, was assuring his hosts that such an open election would be won by candidates favoring annexation by Indonesia.

On November 9, 1979, Jack Anderson's syndicated column published an interview with ex-President Ford on East Timor along with a number of classified U.S. intelligence documents relating to the 1975 aggression. One of the latter papers describes how Indonesia's generals were pressing Suharto "to authorize direct military intervention," while another informs Ford and Kissinger that Suharto would raise the East Timor issue at their December 1975 meeting and would "try and elicit a sympathetic attitude." The relatively guileless Ford was happy to tell Anderson that the American national interest "had to be on the side of Indonesia." He may or may not have been aware that he was thereby giving the lie to everything ever said by Kissinger on the subject.

A WET JOB IN WASHINGTON?

As we have now seen, Kissinger has a tendency to personalize his politics. His policies have led directly and deliberately to the deaths of anonymous hundreds of thousands but have also involved the targeting of certain inconvenient individuals: General Schneider, Archbishop Makarios, Sheikh Mujibur Rahman. And, as we have also more than once glimpsed, Kissinger has a special relish for localized revenge.

It seems possible that these two tendencies converge in a single case: a plan to kidnap and murder Elias P. Demetracopoulos, a distinguished Greek journalist with an unexampled record of opposition to the dictatorship that disfigured his homeland between 1967 and 1974. In the course of those years, he made his home in Washington, D.C., supporting himself as a consultant to a respected Wall Street firm. Innumerable senators, congressmen, Hill staffers, diplomats, and reporters have testified to the extraordinary one-man campaign of lobbying and information that he waged against the military gangsters who had usurped power in Athens. Since that same junta enjoyed the sympathy of powerful interests in Washington, Demetracopoulos was compelled to combat on two fronts, and he made some influential enemies.
After the collapse of the Greek dictatorship in 1974, Demetracopoulos gained

access to the secret police files in Athens and confirmed what he had long suspected: there had been more than one attempt made to kidnap and eliminate him. Files held by the KYP--the Greek equivalent of the CIA--revealed that the then dictator, Georgios Papadopoulos, and his deputy security chief, Michael Roufougalis, several times contacted the Greek military mission in Washington with precisely this end in view. Stamped with the words "COSMIC: Eyes Only"--the highest Greek security classification--this traffic involved a plethora of schemes. They had in common a desire to see Demetracopoulos snatched from Washington and repatriated. An assassination in Washington might have been embarrassing; moreover, there seems to have been a need to interrogate Demetracopoulos before dispatching him. One proposal was to smuggle Demetracopoulos aboard a Greek civilian airliner; another, to put him on a Greek military plane; and still another, to get him aboard a submarine. If it were not for the proven record of irrationality and mania among the leaders of the junta, one might be tempted to dismiss at least the third of these plans as a fantasy.

One sentence in particular stands out in the COSMIC cables:

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WE CAN RELY ON THE COOPERATION OF THE VARIOUS AGENCIES OF THE U.S.
GOVERNMENT, BUT ESTIMATE THE CONGRESSIONAL REACTION TO BE FIERCE.
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Seeking to discover what kind of "cooperation" this might have been, Demetracopoulos in 1976 engaged an attorney--William A. Dobrovir of the D.C. firm of Dobrovir, Oakes, Gebhardt, and Scull--and brought suit under the Freedom of Information Act and the Privacy Act. He was able to obtain many hundreds of documents from the FBI, the CIA, and the State Department, as well as from the Department of Justice and the Pentagon. A number of these papers indicated that copies had been furnished to the National Security Council, then the domain of Henry Kissinger. But requests for documentation from this source were unavailing. As previously noted, Kissinger had upon leaving office made a hostage of his own papers--copying them, classifying them as "personal," and deeding them to the Library of Congress on condition that they be held privately. Thus Demetracopoulos was met with a stone wall when he used the law to try and prise anything from the NSC. In March 1977, however, the NSC finally responded to repeated legal initiatives by releasing the skeletal "computer indices" of the files that had been kept on Demetracopoulos. Paging through these, his attention was not unnaturally caught by the following:

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7024513 DOCUMENT = 5 OF 5 PAGE = 1 OF 1 KEYWORDS ACKNOWLEDGING SENS MOSS
BURDICK GRAVEL RE MR DEMETRACOPOULOS DEATH IN ATHENS PRISON DATE 701218
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"Well, it's not every day," said Demetracopoulos when I interviewed him, "that you read about your own death in a state document." His attorney was bound to agree, and he wrote a series of letters to Kissinger asking for copies of the file to which the indices referred. For seven years Kissinger declined to favor Demetracopoulos's lawyer with a reply. When eventually he did respond, it was only through his own lawyer, who wrote that

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efforts were made to search the collection for copies of documents which
meet the description provided. ... No such copies could be found.
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"Efforts were made" is, of course, a piece of obfuscation that might describe the most perfunctory inquiry. We are therefore left with the question: Did Kissinger know of, or approve, or form a part of, that "cooperation of the various agencies of the U.S. Government" on which foreign despots had been counting for a design of kidnapping, torture, and execution?

To begin with an obvious question: Why should a figure of Kissinger's stature either know about, or care about, the existence of a lone dissident journalist? This question is quite easily answered: the record shows that Kissinger knew very well who Demetracopoulos was and detested him. The two men had

actually met in Athens in 1956, when Demetracopoulos had hosted a luncheon at the Grand Bretagne Hotel for the visiting professor. Over the next decade Demetracopoulos had been prominent among those warning of, and resisting, a military intervention in Greek politics. The CIA generally favored such an intervention and maintained intimate connections with those who were planning it. In November 1963 the director of the CIA, John McCone, signed an internal message asking for "any substantive derogatory data which can be utilized to deny [Demetracopoulos] subsequent entry to U.S." No such derogatory information was available, and when the coup came Demetracopoulos was able to settle in Washington, D.C., and begin his exile campaign.

He began it auspiciously enough, by supplying his own derogatory information about the Nixon and Agnew campaign of 1968. This campaign--already tainted badly enough by the betrayal of the Vietnam peace negotiations--was also receiving illegal donations from the Greek military dictatorship. The money came from Michael Roufougalis at the KYP and was handed over, in cash, to John Mitchell by an ultra-conservative Greek-American businessman named Thomas Pappas. The sum involved was $549,000, a considerable amount by the standards of the day. Its receipt was doubly illegal: foreign governments are prohibited from making campaign donations (as are foreigners in general), and, given that the KYP was in receipt of CIA subsidies, there existed the further danger that American intelligence money was being recycled back into the American political process--in direct violation of the CIA's own charter.

Demetracopoulos took his findings to Larry O'Brien, chairman of the Democratic National Committee, who issued a call for an inquiry into the activities of Pappas and the warm relations existing between the Nixon-Agnew campaign and the Athens junta. A number of historians have since speculated as to whether it was evidence of this "Greek connection," with its immense potential for damage, that Nixon and Mitchell's burglars were seeking when they entered O'Brien's Watergate office under the cover of night. Considerable weight is lent to this view by one salient fact: when the Nixon White House was seeking "hush money" for the burglars, it turned to Thomas Pappas to provide it.

Elias Demetracopoulos's dangerous knowledge of this guilty secret, and his incessant lobbying on the Hill and in the press against Nixon and Kissinger's client regime in Athens, drew unwelcome attention. He later sued both the FBI and the CIA--becoming the first person ever to do so successfully--and received written admissions from both agencies that they possessed "no derogatory information" about him. In the course of these suits, he also secured an admission from then FBI director William Webster that he had been under "rather extensive" surveillance on and between the following dates: November 9, 1967, and October 2, 1969; August 25, 1971, and March 14, 1973; and February 19 and October 24, 1974.

Unaware of the precise extent of this surveillance, Demetracopoulos nonetheless more than once found himself brushed by a heavy hand. On September 7, 1971, he had lunch at Washington's fashionable Jockey Club with Nixon's chief henchman, Murray Chotiner, who told him bluntly, "Lay off Pappas. You can be in trouble. You can be deported. It's not smart politics. You know Tom Pappas is a friend of the President." The next month, on October 27, 1971, Demetracopoulos was lunching with Robert Novak at Sans Souci and was threatened by Pappas himself, who came over from an adjacent table to tell him and Novak that he could make trouble for anyone

who wanted him investigated. On the preceding July 12, Demetracopoulos had testified before the European subcommittee of the House Foreign Affairs Committee, chaired by Congressman Benjamin Rosenthal of New York, about the influence of Pappas on U.S. foreign policy and the Athens dictatorship (and vice versa). Before his oral testimony could be printed, a Justice Department lawyer appeared at the subcommittee's office and demanded a copy of the statement. Demetracopoulos had then, on September 17, furnished a memorandum on Pappas's activities to the same subcommittee. His written deposition closed with the words, "Finally, I have submitted separately to the subcommittee items of documentary evidence which I believe will be useful." This statement, wrote Rowland Evans and Robert Novak in their syndicated column, caused "extreme nervousness in the Nixon White House."

Demetracopoulos then received a letter from Louise Gore. Ms. Gore has since become more celebrated as the cousin of Vice President Al Gore and the proprietress of the Fairfax Hotel in Washington, D.C., where the boy politician grew up. She was then quite celebrated in her own right, as a Republican state senator from Maryland and as the woman who introduced Spiro Agnew to Richard Nixon. She was a close friend of Attorney General Mitchell's and had been appointed as Nixon's representative to UNESCO. Demetracopoulos lived, along with many congressmen and political types, as a tenant of an apartment in her hotel. He had also been a friend since 1959. On January 24, 1972, she wrote to him,

> Dear Elias--
>
> I went to Perle's [Perle Mesta's] luncheon for Martha Mitchell yesterday and sat next to John. He is furious at you--and your testimony against Pappas. He kept threatening to have you deported!!
>
> At first I tried to ask him if he had any reason to think you could be deported and he didn't have any answer -- But then tried to counter by asking me what I knew about you and why we were friends.
>
> It really got out of hand. It was all he'd talk about during lunch and everyone at the table was listening ...

Among those present at the table were George Bush, then ambassador to the United Nations, and numerous other diplomats. The attorney general's lack of restraint and want of tact, on such an occasion, and at the very table of legendary hostess Perle Mesta, were clearly symptomatic of a considerable irritation, even rage.

I have related this background in order to show that Demetracopoulos was under surveillance, that he possessed information highly damaging to an important Nixon-Kissinger client, and that his identity was well known to those in power, in both Washington and Athens. Henry Tasca, the United States ambassador in Athens at the time, was a Nixon and Kissinger crony with a very lenient attitude toward the dictatorship. (He later testified before a closed session of Congress that he had known of the 1968 payments by the Greek secret police to the Nixon campaign.) In July 1971, shortly after Demetracopoulos testified before Congressman Rosenthal's subcommittee, Tasca sent a four-page secret cable from Athens. It began:

> FOR SOME TIME I HAVE FELT THAT ELIAS DEMETRACOPOULOS IS HEAD OF A WELL-ORGANIZED CONSPIRACY WHICH DESERVES SERIOUS INVESTIGATION. WE HAVE SEEN HOW EFFECTIVE HE HAS BEEN IN COMBATING OUR PRESENT POLICY IN GREECE. HIS AIM IS TO DAMAGE OUR RELATIONS WITH GREECE, LOOSEN OUR NATO ALLIANCE AND WEAKEN THE U.S. SECURITY POSITION IN THE EASTERN MEDITERRANEAN.

This was certainly taking Demetracopoulos seriously. So were the closing paragraphs, which read,

> I AM THEREFORE BRINGING THE MATTER TO YOUR PERSONAL ATTENTION IN THE HOPE THAT A WAY WILL BE FOUND TO STEP UP AN INVESTIGATION OF DEMETRACOPOULOS TO IDENTIFY HIS SPONSORS, HIS SOURCES OF FUNDS, HIS INTENTIONS, HIS METHODS OF WORK AND HIS FELLOW CONSPIRATORS....

I BRING THIS MATTER TO YOUR ATTENTION NOW, BELIEVING THAT AS AN ALLEN RESIDENT IN THE UNITED STATES IT MAY BE POSSIBLE TO SUBMIT HIM TO THE KIND OF SEARCHING AND PROFESSIONAL FBI INVESTIGATION WHICH WOULD LIFT SOME OF THE MYSTERY.

The cable was addressed, as is usual from an ambassador, to Secretary of State William Rogers. Yet it was also addressed--highly unusually--to Attorney General John Mitchell. Mitchell, as we have seen, was the only attorney general ever to serve on Henry Kissinger's supervisory 40 Committee.
The State Department duly urged that "the Department of Justice do everything possible to see if we can make a Foreign Agents case, or any kind of a case for that matter" against Demetracopoulos. Of course, as was later admitted, these investigations turned up nothing, as Demetracopoulos's influence did not derive from any sinister source or nexus. But when he said that the Greek dictatorship had trampled its own society, used censorship and torture, threatened Cyprus, and bought itself political influence in Washington, he was uttering potent truths. Nixon himself confirmed the connection between the junta and Pappas and Tasca on a post-Watergate White House tape dated May 23, 1973. He is talking to his renowned confidential secretary, Rose Mary Woods:

Good old Tom Pappas, as you probably know or heard, if you haven't already heard, it is true, helped, at Mitchell's request, fundraising for some of the defendants.... He came up to see me on March 7th, Pappas did. Pappas came to see me about the ambassador to Greece, that he wanted to--he wanted to keep [Henry] Tasca there.

This same dictatorship had in June 1970 revoked Demetracopoulos's Greek citizenship, so he was a stateless person traveling only on a flimsy document giving him leave to reenter the United States. This fact assumed its own importance in December 1970, when his blind father was dying of pneumonia, alone, in Athens. Demetracopoulos sought permission to return home under a safe conduct, or laissez-passer, and was able to enlist numerous congressional friends in the attempt. Among those who signed a letter, dated December 11, to the Greek government and to Ambassador Tasca were Senators Frank E. Moss of Utah, Quentin N. Burdick of North Dakota, and Mike Gravel of Alaska. Senators Kennedy and Fulbright also expressed a personal interest.

Neither the Athens regime nor Tasca replied directly, but on December 20, four days after the old man had died without seeing his only son, Senators Moss, Burdick, and Gravel received a telegram from the Greek Embassy in Washington. This instructed them that Demetracopoulos should have applied in person to the embassy--an odd demand to make of a man whose passport and citizenship had just been canceled by the dictatorship. Meanwhile, Demetracopoulos received a telephone call at his home, from Senator Kennedy, advising him not to accept any safe-conduct offer from Greece even if he was offered it. Had Demetracopoulos presented himself at the junta's embassy, he might well have been detained and kidnapped, in accordance with one of the plans we now know had been readied for his "disappearance." Of course, such a scheme would have been extremely difficult to carry out in the absence of some "cooperation" from local American intelligence officials.

Declassified cable traffic between Ambassador Tasca in Athens and Kissinger's deputy, Joseph Sisco, at the State Department shows that Senator Kennedy's misgivings were amply justified. In a cable dated December 14, 1970, from Sisco to Tasca, the ambassador was told,

IF GOG [Government of Greece] PERMITS DEMETRACOPOULOS TO ENTER, QUITE CLEARLY WE MUST AVOID BEING PUT IN A POSITION OF GUARANTEEING ANY ASSURANCES THAT HE MAY HAVE OF BEING ABLE TO DEPART.

Concurring with this extraordinary statement, Tasca added that there was a possibility of Senator Gravel attending the funeral of Demetracopoulos Sr.

Elias, wrote the ambassador,

> UNDOUBTEDLY HOPES TO EXPLOIT SENATOR'S VISIT BY PROVIDING SOME WAY OF PROVING THAT CONDITIONS HERE ARE AS REPRESSIVE AS HE HAS BEEN REPRESENTING THEM TO BE. HE COULD EVEN TRY TO ARRANGE FOR SOME MANIFESTATION OF VIOLENCE, SUCH AS A SMALL BOMB.

The absurdity of this--Demetracopoulos has no record whatsoever of the advocacy or practice of violence--also has its sinister side. Suggested here is just the sort of pretext that the junta might need for a frame-up, or to cover up a "disappearance." The entire correspondence reeks of the priorities of both the embassy and the State Department, which reflect their contempt for elected U.S. senators, their dislike of dissent, and their need to gratify a group of Greek gangsters who are now rightly serving terms of life imprisonment. Now look again at the computer index disgorged, after years of litigation, from Kissinger's NSC files. It bears the date of December 18, 1970, and appears to apprise Senators Moss, Burdick, and Gravel that Demetracopoulos had met his end in an Athens prison. Was this a contingency plan? A cover story? As long as Dr. Kissinger maintains his stubborn silence, and the control over his "private" state papers, it will be impossible to determine.

Having avoided the trap that seems to have been set for him in 1970, Demetracopoulos kept up his fusillade of leaks and disclosures, aimed at discrediting the Greek junta and embarrassing its American friends. He also warned of the junta's designs on the independence of Cyprus and of American indifference to, or complicity in, that policy. In this capacity he became a source of annoyance to Henry Kissinger. In a Memorandum for the Record on a briefing presented to President Gerald Ford in October 1974, there are references to "derogatory traces from our files" about Demetracopoulos, to "the derogatory blind memo" about him, and to "the long Kissinger memo" on him. Once again, and despite repeated requests from lawyers, Kissinger has declined to answer any queries about the whereabouts of these papers, or to shed any light on their contents. His National Security Council, however, asked the FBI to amass any information that might discredit Demetracopoulos, and between 1972 and 1974, according to papers since declassified, the bureau furnished Kissinger with slanderous and false material concerning, among other things, a romance that Demetracopoulos was allegedly conducting with a woman now dead and a supposed relationship between him and Daniel Ellsberg, a man he has never met.

This might seem trivial, were it not for the memoirs of Constantine Panayotakos, the ambassador of the Greek junta to Washington, D.C. Arriving to take up his post in February 1974, as the ambassador wrote in his later memoirs, entitled In the First Line of Defense,

> I was informed about some ... plans to kidnap and transport Elias Demetracopoulos to Greece; plans which reminded me of KGB methods.... On 29 May a document was transmitted to me from Angelos Vlachos, Secretary General of the Foreign Ministry, giving the views of the United States ambassador Henry Tasca, which he agreed with, about the most efficient means of dealing with the conspiracies and the whole activity of Demetracopoulos. Tasca's views are included in a memorandum of conversation with the Foreign Minister Spyridon Tetenes of 27 May.
>
> Finally, another brilliant idea of the most brilliant members of the Foreign Ministry in Athens, transmitted to me on 12 June, was for me to seek useful advice on the extermination(4) of Elias Demetracopoulos from George Churchill, director of the Greek desk at the State Department, who was one of his most vitriolic enemies. [Italics added.]

Ambassador Panayotakos later wrote in a detailed letter, which is in my possession, that he had direct knowledge of a plan to abduct Demetracopoulos from Washington. His testimony is corroborated by an affidavit, which I also possess, signed by Charalambos Papadopoulos. Mr. Papadopoulos was at the time the political counselor to the Greek Embassy--the number-three position--and was bidden to lunch at the nearby Jockey

Club, in late May or early June of 1974, by Ambassador Panayotakos and the assistant military attache, Lieutenant Colonel Sotiris Yiounis. At the lunch, Yiounis broached the question of kidnapping Demetracopoulos, who was to be smuggled aboard a Greek NATO submarine at a harbor in Virginia.
Papadopoulos, who was Greek ambassador to Pakistan at the time he swore his affidavit, has since said that he was assured that Henry Kissinger was fully aware of the proposed operation. By that stage, the Greek junta had only a few weeks to live because of its crimes in Cyprus. Since the fall of the dictatorship even more extensive evidence of the junta's assassination plans has been uncovered, if only at the Athenian end of the plot. But this was not a regime that ever acted without Washington's "understanding." Attempts to unearth more detail have also been made in Washington. In 1975, Senators George McGovern and James Abourezk, seconded by Congressman Don Edwards of the House Intelligence Committee, asked Senator Frank Church to include the kidnapping plot against Demetracopoulos in the investigative work of his famous committee on U.S. intelligence. As first reported by the New York Times and then confirmed by Seymour Hersh, Kissinger intervened personally with Church, citing grave but unspecified matters of national security, to have this aspect of the investigation shut down.

Some of this may seem fantastic, but we do know that Kissinger was conducting a vendetta against Demetracopoulos (as was Ambassador Henry Tasca); we do know that Kissinger was involved in high-level collusion with the Greek junta and had advance knowledge of the plot to assassinate Archbishop Makarios; and we do know that he had used the American Embassy in Chile to smuggle weapons for the contract killing of General Rene Schneider. The cover story in that case, too, was that the hired guns were "only" trying to kidnap him.

Thus the Demetracopoulos story, told here in full for the first time, makes a prima facie case that Henry Kissinger was at least aware of a plan to abduct and interrogate, and almost certainly kill, a civilian and journalist in Washington, D.C. In order to be cleared of the suspicion, and to explain the mysterious reference to Demetracopoulos's death in his own archives, Kissinger need only make those same archives at last accessible, or else be subpoenaed to do so.

THE PROFIT MARGIN

In his furious meeting at the State Department on December 18, 1975, shortly after his moment of complicity with the Indonesian generals over East Timor, Kissinger makes the following peculiar disavowal:

> I don't care if we sell equipment to Indonesia or not. I get nothing from it. I get no rakeoff.

One might have taken it for granted that a serving secretary of state had no direct interest in the sale of weapons to a foreign dictatorship; nobody at the meeting had suggested any such thing. How peculiar that Kissinger should deny an allegation that had not been made, answer a question that had not been asked.
It isn't possible to state with certainty when Kissinger began to profit personally from his association with the ruling circles in Indonesia, nor can it be definitely asserted that this profit was part of any "understanding" that originated in 1975. And yet there is a perfect congruence between Kissinger's foreign-policy counsel and his own business connections. One might call it a "harmony" of

interests rather than a "conflict." (See map, page 96.)
Six years after he left office, Kissinger set up a private consulting firm named Kissinger Associates, which exists to smooth and facilitate contact between multinational corporations and foreign governments. The client list is secret, and contracts with the "Associates" contain a clause prohibiting any mention of the arrangement, but corporate clients include or have included American Express, Shearson Lehman Hutton, Arco, Daewoo of South Korea, H. J. Heinz, ITT, Lockheed Corporation, Anheuser-Busch, the Banca Nazionale del Lavoro, Coca-Cola, Fiat, Revlon, Union Carbide, and Midland Bank. Kissinger's initial fellow "associates" were General Brent Scowcroft and Lawrence Eagleburger, both of whom had worked closely with him in the foreign-policy and national-security branches of government.

Numerous instances of a harmony between this firm and Kissinger's policy pronouncements can be cited. The best-known is probably that of the People's Republic of China. Kissinger helped several American conglomerates, notably H. J. Heinz, to gain access to the Chinese market. As it was glowingly phrased by Anthony J. F. O'Reilly, CEO of Heinz,

> Kissinger and his associates make a real contribution, and we think they are particularly helpful in countries with more centrally planned economies, where the principal players and the dynamics among the principal players are of critical importance. This is particularly true in China, where he is a popular figure and is viewed with particular respect.
>
> On China, basically, we were well on our way to establishing the baby-food presence there before Henry got involved. But once we decided to move, he had practical points to offer, such as on the relationship between Taiwan and Peking. He was helpful in seeing that we did not take steps that would not have been helpful in Peking. His relevance obviously varies from market to market, but he's probably at his best in helping with contacts in that shadowy world where that counts.

The Chinese term for this zone of shadowy transactions is guanxi. In less judgmental American speech it would probably translate as "access." Selling baby food in China may seem innocuous enough, but when the Chinese regime turned its guns and tanks on its own children in Tiananmen Square in 1989, it had no more staunch defender than Henry Kissinger. Arguing very strongly against sanctions, he wrote that "China remains too important for America's national security to risk the relationship on the emotions of the moment." Taking the Deng Xiaoping view of the democratic turbulence, he added that "no government in the world would have tolerated having the main square of its capital occupied for eight weeks by tens of thousands of demonstrators." It is perhaps just as well that Kissinger's services were not retained by the Stalinist regimes of Romania, Czechoslovakia, and East Germany, which succumbed to just such public insolence later in the same year.
Nor was Kissinger's influence peddling confined to Heinz's nutritious products. He assisted Atlantic Richfield/Arco in the marketing of oil deposits discovered in China. He helped ITT (a corporation that had once helped him to overthrow the elected government of Chile) to hold a path-breaking board meeting in Beijing, and he performed similar services for David Rockefeller and the Chase Manhattan Bank, which held an international advisory committee meeting in the Chinese capital and met with Deng himself.

Six months before the massacre in Tiananmen Square, Kissinger set up a limited investment partnership named China Ventures, of which he personally was chairman, CEO, and general partner. Its brochure helpfully explained that CV involved itself only with projects that "enjoy the unquestioned support of the People's Republic of China." The move proved premature; the climate for investment on the Chinese mainland soured after the post-Tiananmen

repression and the limited sanctions approved by Congress. This no doubt contributed to Kissinger's irritation at the criticism of Deng. But while China Ventures lasted, it drew large commitments from American Express, Coca-Cola, Heinz, and a large mining-and-extraction conglomerate named Freeport-McMoRan.

Many of Kissinger's most extreme acts and positions have been taken, at least ostensibly, in the name of anti-Communism. So it is amusing to find him exerting himself on behalf of a regime that can guarantee safe investment by virtue of a one-party ideology, a ban on trade unions, and a slave-labor prison system. Nor is China the sole example here. When Lawrence Eagleburger left the State Department in 1984, having been ambassador to Yugoslavia, he became simultaneously a partner of Kissinger Associates; a director of LBS Bank, a subsidiary of a bank then owned by the Belgrade regime; and the American representative of the "Yugo" mini-car. Yugo duly became a client of Kissinger Associates, as did a Yugoslav construction concern named Enerjoprojeckt. The Yugo is of particular interest because it was produced by the large state-run conglomerate that also functioned as Yugoslavia's military-industrial and arms-manufacturing complex. This complex was later seized by Slobodan Milosevic, along with the other sinews of what had been the Yugoslav National Army, and used to prosecute wars of aggression against four neighboring republics. At all times during this protracted crisis, and somewhat out of step with many of his usually hawkish colleagues, Henry Kissinger urged a consistent policy of conciliation with the Milosevic regime. (Mr. Eagleburger in due course rejoined the State Department as deputy secretary and briefly became secretary of state. So it goes.)

Much the same can be said for the dual involvement of the "Associates" with Saddam Hussein. When Saddam was riding high in the late 1980s, and having his way with the departments of Commerce and Agriculture, and throwing money around like the proverbial drunken sailor, and using poison gas and chemical weapons on his Kurdish population without a murmur from Washington, the U.S.-Iraq Business Forum provided a veritable fruit machine of contacts, contracts, and opportunities. Kissinger's partner Alan Stoga, who had also been the economist attached to his Reagan-era Commission on Central America, featured noticeably on a junket to Baghdad. At the same time, Kissinger's firm represented the shady Italian Banca Nazionale del Lavoro, which was later shown to have made illegal loans to Saddam's Baathist regime.

In the same year--1989--Kissinger made his lucrative connection with Freeport-McMoRan, a globalized firm based in New Orleans. Its business is the old-fashioned one of extracting oil, gas, and minerals. Its chairman, James Moffett, has probably earned the favorite titles bestowed by the business and financial pages, being beyond any doubt "flamboyant," "buccaneering," and a "venture capitalist." In 1989, Freeport paid Kissinger Associates a retainer of $200,000 and fees of $600,000, not to mention a promise of a 2 percent commission on future capital investments made with the Associates' advice. Freeport also made Kissinger a member of its board of directors at an annual salary of at least $30,000. In 1990 the two concerns went into business in Burma, the most grimly repressive state in all of South Asia. Freeport would drill for oil and gas, according to the agreement, and Kissinger's other client Daewoo would build the plant. That year, however, the Burmese generals, under their wonderful collective title of SLORC (State Law and Order Restoration Council), lost a popular election to the democratic opposition, led by Aung San Suu Kyi, and decided to annul the result. This development--yet

more irritating calls for the isolation of the Burmese junta--was unfavorable to the Kissinger-Freeport-Daewoo triad, and the proposal lapsed.

But the next year, in March 1991, Kissinger was back in Indonesia with Mr. Moffett, closing a deal for a thirty-year license to continue exploiting a gigantic gold-and-copper mine. The mine is of prime importance for three reasons. First, it was operated as part of a joint venture with the Indonesian military government and with that government's maximum leader. Second, it is located on the island of Irian Jaya (in an area formerly known as West Irian), a part of the archipelago that, like East Timor, is only Indonesian by right of arbitrary conquest. Third, its operations commenced in 1973--two years before Henry Kissinger visited Indonesia and helped unleash the Indonesian bloodbath in East Timor while unlocking a flow of weaponry to his future business partners.

This could mean no more than the "harmony of interest" I suggested above. No more, in other words, than a happy coincidence. What is not coincidental is the following:

(1) Freeport's enormous Grasberg mine in Irian Jaya stands accused of creating an environmental and social catastrophe. In October 1995 the Overseas Private Investment Corporation (OPIC), a federal body that exists to help American companies overseas, decided to cancel Freeport's investment insurance because of political risk, the very element on which Kissinger had furnished soothing assurances in 1991. OPIC concluded that Freeport's mine had "created and continues to pose unreasonable or major environmental, health or safety hazards with respect to the rivers that are being impacted by the tailings, the surrounding terrestrial ecosystem, and the local inhabitants."
(2) The "local inhabitants" who came last on that list are the Amungme people, whose protests at the environmental rape, and at working conditions in the mine, were met by Indonesian regular soldiers at the service of Freeport-McMoRan and under the orders of Suharto. In March 1996 large-scale rioting nearly closed the mine at a cost of four deaths and many injuries.

Freeport-McMoRan mounted an intense lobbying campaign in Washington, with Kissinger's help, to get its OPIC insurance reinstated. The price was the creation of a trust fund of $100 million for the repair of the Grasberg site after it, and its surrounding ecology, has eventually been picked clean. All of this became moot with the overthrow of the Suharto dictatorship, the detention of Suharto himself, and the unmasking of an enormous nexus of "crony capitalism" involving him, his family, his military colleagues, and certain favored multinational corporations. This political revolution also restored, at incalculable human cost, the independence of East Timor. There was even a suggestion of a warcrimes inquiry and a human-rights tribunal to settle some part of the account for the years of genocide and occupation. Once again, Henry Kissinger has had to scan the news with anxiety and wonder whether even worse revelations are in store for him. It will be a national and international disgrace if the answer to this question is left to the pillaged and misgoverned people of Indonesia, rather than devolving onto an American Congress that has for so long shirked its proper responsibility.

The subject awaits its magistrate.

A NOTE ON THE LAW

As Henry Kissinger now understands, there are increasingly noticeable rents and tears in the cloak of immunity that has shrouded him until now. Recent evolutions in national and international law have made his position an exposed and, indeed, a vulnerable one. For convenience, the distinct areas of law may be grouped under four main headings:

1) International Human Rights Law. This comprises the grand and sonorous covenants on the rights of the individual in relation to the state; it also protects the individual from other actors in the international community who might violate those rights. Following from the French Revolution's "Declaration of the Rights of Man," international human-rights law holds that political associations are legitimate only insofar as they preserve the dignity and well-being of individuals, a view that challenges the realpolitik privilege given to the "national interest." The United States is directly associated with sponsoring many of these covenants and has ratified several others.

2) The Law of Armed Conflict. Somewhat protean and uneven, this represents the gradual emergence of a legal consensus on what is, and what is not, permissible during a state of war. It also comprises the various humanitarian agreements that determine the customary "law of war" and that attempt to reduce the oxymoronic element in this ancient debate.

3) International Criminal Law. This concerns any individual, including an agent of any state, who commits direct and grave atrocities against either his "own" citizens or those of another state; covered here are genocide, crimes against humanity, and other crimes of war. The Rome Statute, which also establishes an International Criminal Court for the trial of individuals, including governmental offenders, is the codified summa of this law as revised and updated since the Nuremberg precedent. It commands the signatures of most governments as welt as, since December 31, 2000, that of the United States.

4) Domestic Law and the Law of Civil Remedies. Most governments have similar laws that govern crimes such as murder, kidnapping, and larceny, and many of them treat any offender from any country as the same. These laws in many cases permit a citizen of any country to seek redress in the courts of the offender's "host" country or country of citizenship. In United States law, one particularly relevant statute is the Alien Tort Claims Act.

The United States is the most generous in granting immunity to itself and partial immunity to its servants, and the most laggard in adhering to international treaties (ratifying the Genocide Convention only in 1988 and signing the Covenant on Civil and Political Rights only in 1992). And the provisions of the Rome Statute, which would expose Kissinger to dire punishment if they had been law from as early as 1968, are not retroactive. The Nuremberg principles, however, were in that year announced by an international convention to have no statute of limitations. International customary law would allow any signatory country (again exempting the United States) to bring suit against Kissinger for crimes against humanity in Indochina.

More importantly, United States federal courts have been found able to exercise jurisdiction over crimes such as assassination, kidnapping, and terrorism, even when these are supposedly protected by the doctrine of state or sovereign immunity. Of a number of landmark cases, the most salient one is the finding of the D.C. Circuit Court in 1980, concerning the car-bomb murder, by Pinochet's agents, of Orlando Letelier and Ronni Moffitt. The court held that

"[w]hatever policy options may exist for a foreign country," the Pinochet regime "has no `discretion' to perpetrate conduct designed to result in the assassination of an individual or individuals, action that is clearly contrary to the precepts of humanity as recognized in both national and international law." Reciprocally speaking, this would apply to an American official seeking to assassinate a Chilean. Assassination was illegal both as a private and a public act when Henry Kissinger was in power and when the attacks on General Schneider of Chile and President Makarios of Cyprus took place.

As the Hinchey report to Congress in 2000 now demonstrates that U.S. government agents were knowingly party to acts of torture, murder, and "disappearance" by Pinochet's death squads, Chilean citizens will be able to bring suit in America under the Alien Tort Claims Act, which grants U.S. federal courts "subject-matter jurisdiction" over a claim when a non-U.S., citizen sues for a civil wrong committed in violation of a U.S. treaty or other international law. Chilean relatives of the "disappeared" and of General Schneider have recently expressed an intention to do so, and I am advised by several international lawyers that Henry Kissinger would indeed be liable under such proceedings.
The Alien Tort Claims Act would also permit victims in other countries, such as Bangladesh or Cambodia, to seek damages from Kissinger, on the model of the recent lawsuit filed in New York against Li Peng, among the Chinese Communist officials most accountable for the 1989 massacre in Tiananmen Square.

A significant body of legal theory can be brought to bear on the application of "customary law" to the bombardment of civilians in Indochina. The Genocide Convention was not ratified by the United States until 1988. In 1951, however, it was declared by the International Court of Justice to be customary international law. The work of the International Law Commission is in full agreement with this view. There would be argument over whether the numberless victims were a "protected group" under existing law, and also as to whether their treatment was sufficiently indiscriminate, but such argument would place heavy burdens on the defense as well as the prosecution.(5)

An important recent development is the enforcement by third countries--most notably Spain--of the international laws that bind all states. Baltasar Garz6n, the Spanish judge who initiated the successful prosecution of General Pinochet, has also secured the detention in Mexico of the Argentine torturer Ricardo Miguel Cavallo, who is now held in prison awaiting extradition. The parliament of Belgium has recently empowered Belgian courts to exercise jurisdiction over war crimes and breaches of the Geneva Convention committed anywhere in the world by a citizen of any country. This practice, which is on the increase, has at minimum the effect of limiting the ability of certain people to travel or to avoid extradition. The Netherlands, Switzerland, Denmark, and Germany have all recently employed the Geneva Conventions to prosecute war criminals for actions committed against non-nationals by non-nationals. The British House of Lords decision in the matter of Pinochet has also decisively negated the defense of "sovereign immunity" for acts committed by a government or by those following a government's orders. This has led in turn to Pinochet's prosecution in his own country.

There remains the question of American law. Kissinger himself admits that he knowingly broke the law in continuing to supply American weapons to Indonesia, which used them to violate the neutrality of a neighboring territory

and to perpetrate gross crimes against humanity. Kissinger also faces legal trouble over his part in the ethnic cleansing of the British colonial island of Diego Garcia in the early 1970s, when indigenous inhabitants were displaced to make room for a United States military base. Lawyers for the Chagos Islanders have already won a judgment in the British courts on this matter, which now moves to a hearing in the United States. The torts cited are "forced relocation, torture, and genocide."

In this altered climate, the United States faces an interesting dilemma. At any moment, one of its most famous citizens may be found liable for terrorist actions under the Alien Tort Claims Act, or may be subject to an international request for extradition, or may be arrested if he travels to a foreign country, or may be cited for crimes against humanity by a court in an allied nation. The non-adherence by the United States to certain treaties and its reluctance to extradite make it improbable that American authorities would cooperate with such actions, though this would gravely undermine the righteousness with which Washington addresses other nations on the subject of human rights. There is also the option of bringing Kissinger to justice in an American court with an American prosecutor. Again the contingency seems a fantastically remote one, but, again, the failure to do so would expose the country to a much more obvious charge of double standards than would have been apparent even two years ago.

The burden therefore rests with the American legal community and with the American human-rights lobbies and non-governmental organizations. They can either persist in averting their gaze from the egregious impunity enjoyed by a notorious war criminal and lawbreaker or they can become seized by the exalted standards to which they continually hold everyone else. The current state of suspended animation, however, cannot last. If the courts and lawyers of this country will not do their duty, we shall watch as the victims and survivors of this man pursue justice and vindication in their own dignified and painstaking way, and at their own expense, and we shall be put to shame.

(1) The 40 Committee, named after the Old Executive Office Building room in which it met, was chaired by Kissinger between 1969 and 1976. It maintained ultimate supervision over U.S. covert actions during this period. For more, see Harper's Magazine, February 2001, page 40.

(2) For more on this episode, see Harper's Magazine, February 2001, pages 53-58.

(3) The delivery of heavy weapons, for use against civilian objectives did indeed resume in January, after a short interval in which Congress was misled as advertised.

(4) The Greek word here, which is exoudeterosi, is pretty strong. It is usually translated as "extermination," though "elimination" might be an alternative reading. It is not a recipe for inconveniencing or hampering an individual but for getting rid of him.

(5) See especially Nicole Barrett: "Holding Individual leaders Responsible for Violations of Customary International Law," Columbia Human Rights Law Review, Spring 2001.

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