BILL CLINTON WAR CRIMES

By Paul W. Lovinger

Early in U.S. history, it was firmly established that Congress made the decision to fight a war. The Constitution assigned that grave decision to the national legislative body so it wouldn’t be made often or frivolously, in the manner of Old World kings. Nowadays, the United States wages wars constantly, on the whim of a single person.

Why does a president commit those unconstitutional acts? There are the official reasons, for which he (or she?) gets free time on television networks and which make the headlines. Then there is the truth.

To illustrate pure, presidential war-making, in which Congress and law played no direct role, take the actions of Bill Clinton. The Clintons may be back in the White House next year, albeit in reversed roles. In any event, Bill’s deeds have lessons for Americans. Had we learned them, maybe no U.S. forces would be fighting in Afghanistan, Iraq, Libya, Syria, and elsewhere.

The main lesson: Tragedy ensues when one person can decide war. The decision may hinge on personal or other irrelevant motives. To illustrate, we review chronologically seven of Clinton’s acts of war.

Iraq. Clinton’s first bombing of Baghdad, on June 26, 1993— killing eight civilians—was supposedly punishment for an attempt by Saddam Hussein to kill George Bush (senior). Kuwaiti police had arrested seventeen men, claimed to find a bomb in a car from Iraq, and said an Iraqi “confessed” to an assassination plot. On the witness stand, he declared he was innocent and signed because police beat him.

Seymour Hersh wrote in The New Yorker (Nov. 1, 1993) that Clinton had been mired in controversy over his cautious Bosnia policy and White House staffers advised that “bombing Baghdad would improve Clinton’s political standing at home and his diplomatic standing in the Middle East.” Past and present intelligence officials told Hersh the acceptance of the Kuwaiti allegation was based on “conflicting and dubious evidence.”

Bosnia. Amid a civil war among Bosnian Serbs, Croats, and Muslims, came two bloody explosions in Sarajevo’s main market, in 1994 and 1995. Supposedly in response to the latter blast, Clinton and NATO promptly launched a heavy bombing campaign against Serbs—without considering the evidence. (It was ambiguous and did not point to any party as culpable, Professors Steven Burg and Paul Shoup wrote in The War in Bosnia-Herzegovina, 1999.) Clinton later sent 20,000 U.S. troops to Bosnia to join NATO “peacekeepers.”

By showing toughness, he could further his reelection after being called wishy-washy and antimilitary. One writer believed that Clinton, in expectation of cheap oil and huge aircraft sales, intentionally advanced Saudis’ desire for an Islamic country in Europe.

Iraq again. Clinton bombed Iraqi air defenses—and some civilians—on September 3 and 4, 1996, to make Saddam Hussein “pay a price” for sending troops to Kurdish Iraq. (Hussein said he was quelling strife between factions.) U.S. presidential voting was two months off.

Afghanistan & Sudan. The media covered Clinton’s sex scandal heavily. Widely suspected of lying about
his association with the intern Monica Lewinsky, he was advised to come clean to get the public on his side. On August 17, 1998, in grand jury testimony and a television address, he abandoned months of denial and admitted "inappropriate" contact with her and having misled the public and his own wife. A poll taken immediately after the speech showed that a favorable rating of 60 percent five days earlier had dropped to 40 percent.

On August 20 Clinton bombed Afghanistan and the Sudan. The news upstaged the Lewinsky scandal. Clinton claimed he was fighting "terrorists." But it soon came out that one of his supposed terrorist targets was the Sudan's only medicinal factory, indicating haste in planning the raids.

Two senators and two representatives questioned Clinton’s timing and credibility, and the Los Angeles Times asked whether the movie Wag the Dog had come to life. In the movie, a Hollywood producer was hired to fabricate a war to distract the public from a presidential sex scandal. But Clinton’s acts of war were real.

Iraq once more. In early December 1998, the biggest news concerned impending impeachment proceedings in Congress. The question of Clinton’s impeachment was scheduled for House floor debate on Thursday, the 17th. Voting appeared likely the next day.

On Wednesday, the 16th, Clinton again bombed Iraq, falsely claiming it was not cooperating with UN inspectors. Consequently the House postponed the impeachment question for a day and Iraq took over the headlines. Killing a couple of hundred Iraqis, the bombings continued until impeachment was voted September 19.

Yugoslavia. For three months, peace talks went on in Rambouillet, France, over strife between Yugoslavia and ethnic Albanians in the Serbian province of Kosovo. Other nations, including the U.S., participated.

What brought matters to a head, in March 1999, probably had less to do with European troubles than with two news stories troubling Bill Clinton. One dealt with an Arkansas woman’s allegation that he raped her twenty-one years earlier when he was attorney general of Arkansas. Another concerned allegations in the Republican Congress of Chinese theft of U.S. nuclear weapons secrets and inaction by Clinton, alleged recipient of campaign donations from China. A House committee had prepared a classified report on the matter; a Senate panel planned an investigation.

In Belgrade, Yugoslavia, Clinton’s envoy, Richard Holbrooke, delivered an ultimatum to the president, Slobodan Milosevic. To avoid war, the latter had to sign an agreement letting NATO troops occupy all Yugoslavia, then comprising Serbia and Montenegro. A day or two later, on March 23, Holbrooke forwarded the go-ahead for war to NATO’s secretary general in Brussels.

The attack came March 24, wiping the allegations about Clinton off the TV news and front pages. U.S. and other NATO forces spent the next eleven weeks hitting Yugoslavs with air-launched missiles, bombs, and bullets. Mrs. Clinton may have influenced Bill’s decision. On March 21, when he was undecided about attacking Yugoslavia, she phoned and “I urged him to bomb” (as quoted by biographer Gail Sheehy in Hillary’s Choice, p. 345).

Throughout the country, the death toll exceeded 2,000 civilians; the civilian injury toll reached at least three times that many, let alone casualties among soldiers. Why the mass killings? Bill Clinton said they were to stop mass killings in Kosovo, which had been going on for a long time. But if they were such an old story, why did he choose the time he did to start a war? Could this attack and the previous three attacks all have served as distractions from scandal?
The genocide tale

The official line was that the war was humanitarian, a “moral imperative,” to stop massacres by President Slobodan Milosevic and men. Five days before attacking, Clinton pictured shootings of Albanians: “Innocent men, women, and children were taken from their homes to a gully, forced to kneel in the dirt and sprayed with gunfire.”

In January of 1999, 45 bodies had appeared in a ditch in the village of Racak, Kosovo, Serbia. Without evidence, U.S. diplomat William Walker, head of the Organization for Security and Cooperation in Europe (OSCE), said the dead, many mutilated, were Albanian Kosovo civilians murdered by Serbs.

The number of victims was inflated to 100,000 by both David Scheffer, U.S. ambassador at large, and William Cohen, secretary of defense; to 225,000, by Scheffer later; and as high as 500,000 by the Department of State. Scheffer called it “genocide.”

Later, Geoff Hoon, British defense minister, said some 10,000 ethnic Albanians had been killed in over 100 massacres. The Associated Press repeated the toll, without explaining its origin. Likewise The New York Times, getting “fresh reports each day of newly discovered bodies and graves.” It ran 80 stories referring to mass graves in Kosovo. Rumors, which the Times and National Public Radio repeated, had bodies being disposed of at the Trepca mine: in shafts, in acid, or in a furnace. Clinton and others compared Milosevic to Hitler. Such talk stirred hatred of Serbs.

Unlike American media, which swallowed the official government line whole, their European counterparts questioned the massacre allegations. Doubters included France’s Le Figaro and Le Monde and Germany’s Berliner Zeitung, which reported (March 13, 1999) that several governments wanted Walker out of OSCE; they had statements from OSCE monitors that the Racak bodies were mostly of guerrillas killed in battle.

A year later (March 12, 2000) The Sunday Times of London reported that Walker had been covertly helping the CIA push NATO into war. Also promoting war in 1999 was the Kosovo Liberation Army (KLA). Aiming at convincing the U.S. and NATO to attack the Serbs and split the province from Yugoslavia, it publicized the 45 bodies.


The findings coincided, not with a massacre, but with a two-day battle between Yugoslav police and Albanian guerrillas. Nobody could tell if the 45 were civilians, where they lived, or where they died. Only one body showed signs of shooting at short range, only one was that of a woman, and only one was plainly juvenile. Shots had been fired into different bodily parts, from different directions. Gunpowder residue on the hands of 37 indicated firearm use.

A Yugoslav pathologist also examined the bodies and, like the Finns, found no massacre, but few listened. In mid June 1999 the FBI sent a team to investigate two alleged grave sites and returned home with nothing to say. French forensic experts, looking for a grave said to have about 150 bodies, found none and no evidence of bodies in the mine. A Spanish team, expecting 2,000 bodies, found 187, mostly in individual graves and showing signs of war deaths but not of murder or torture.

A Le Monde reporter and an Associated Press crew saw bodies one day that they had not seen the day before. There were no pools of blood, no shell casings. Evidently the KLA had gathered the victims of the gun battle, made sure they were all in civilian clothes, and put them in the ditch. Walker then announced
they were “executed.”

One whopper, told early in the war by Jamie Rubin, State Department spokesman, had 100,000 Albanians imprisoned at the stadium in Pristina, capital of Kosovo. He got it from the KLA. Such prominent media as Associated Press, ABC News, and PBS reported it as fact. Only a reporter for the French Press Agency thought of going to the stadium and looking. He found it empty with no sign of recent habitation.

Humanitarian slaughter

In waging their supposed humanitarian war, the Clinton-NATO forces made thousands of raids on houses, bridges, hospitals, water supplies, electric stations, trains, tracks, buses, factories, and offices. Besides traditional weapons, they used newer devices of dubious legality even against soldiers: cluster bombs and shells with radioactive uranium. Excerpts from Associated Press stories follow (publication dates in 1999).

- “A NATO attack left 12 civilians dead and dozens injured. In Aleksinac, pools of blood and human body parts could be seen in the wreckage of one building.” (April 6.)

- “An allied hit was blamed for turning a Yugoslav passenger train into a heap of burning wreckage.... At least 10 people aboard the train were killed.” (April 13.)

- “Two of the strikes hit convoys of ethnic Albanian refugees, killing at least 64 and wounding 20.” (April 24).

- “NATO warplanes hammered Belgrade and its suburbs Thursday, leaving a hospital in smoldering ruins, three patients dead and eight foreign missions damaged.” (May 21.)

As far as I know, no news media mentioned the U.S. treaties prohibiting aggressive war—the best known being the United Nations Charter—or the U.S. treaties embodying humanitarian law, such as:

The Geneva Convention (IV) from fifty years earlier: “Civilian hospitals ... may in no circumstances be the object of attack...” (Article 18).

The Hague Convention on Laws of War on Land, 1907, prohibiting, e.g., treacherous killing and weapons that are poisoned or designed to cause unnecessary suffering (Article 23) and the attack or bombardment of undefended communities, dwellings, or other buildings (Article 25).

The 1977 Protocol Additional to the Geneva Convention of 1949. It bans attacks on civilians or indiscriminate attacks that harm civilians or civilian objects along with military targets; violations are war crimes. (The U.S. signed the protocol; although the Senate never voted on it, Amnesty International says international law regards it as binding on all countries in the conduct of war. The U.S. Army Field Manual tends to support that view: “Customary international law prohibits the launching of attacks [including bombardment] against either the civilian population or individual civilians as such.”)

The Los Angeles Times repeatedly ran front-page stories on attacks against civilians, like these two: Low-flying planes bomb a Serbian bridge, toppling cars into the water and killing at least nine civilians. When people rush to offer aid, the planes return to kill them too (May 31). A refugee camp is bombed (April 15):

Many of the refugees in Korisa were asleep when explosions sprayed shrapnel and flames everywhere, survivors said....
At least a dozen children were among the dead. An infant buttoned up in terrycloth sleepers lay among the corpses that filled the local morgue.

Another child was incinerated in the fire that swept through the camp. The body was still lying on the ground Friday morning, beside that of an adult, in the middle of a tangle of farmers’ tractors and wagons that were still burning 12 hours after the attack.

That attack inspired an editorial in The New York Times, “Grisly Accident in Kosovo” (April 16), which said the purpose of NATO’s bombing was “to stop the killing and reverse the expulsion of Kosovo’s persecuted ethnic Albanians.” Yet NATO bombs killed 72 of them. “But as President Clinton rightly noted yesterday, accidents are inseparable from war, and it would be a greater tragedy to slacken the bombardment or unduly restrict the military target list.” It follows (as I wrote the Times) that to cease the killing of civilians would be “a greater tragedy” than to keep killing them. “Shades of Orwell! We kill to oppose killing. To stop taking lives is tragedy.” (My letter was not published.)

Tolerating homicide

Consider Clinton’s statement that such “accidents” are inseparable from war. If that is so, then how can war be tolerated? Indeed, the U.S. government (under President Calvin Coolidge) and other governments sought to end it in 1928, when the killing of civilians was less acceptable. They made the Pact of Paris, or Kellogg-Briand Peace Pact, renouncing war as an instrument of national policy. It was invoked at the trials of Nazi and Japanese war criminals and remains in effect.

Anyhow, if Clinton knew his bombings would kill civilians, could their killings be truly called accidental—as opposed to homicidal? That editorial alluded to a Times story headed, “Civilian Deaths Inevitable in Warfare, Clinton Says” (April 16). Lacking justification under national or international law, he could have justifiably been tried for more than perjury and obstruction of justice, the charges he was impeached on in 1998.

Charges could have included violation of the humanitarian laws cited above, as well as waging of aggressive war in violation of Kellogg-Briand, the United Nations Charter, and the North Atlantic Treaty. The UN Charter says (Article 2), “All members shall settle their international disputes by peaceful means” and refrain from “the threat or use of force against the territorial integrity or political independence of any state....” The North Atlantic Treaty accepts those UN provisions.

Moreover, Clinton usurped Congress’s sole authority under the Constitution to decide whether to go to war (Article I, Section 8), and he persisted even after specific rebuffs by the House of Representatives on April 28, 1999. They included a 427–2 vote against declaring war on Yugoslavia and rejection of the bombing by a 213 tie vote. Next day, The New York Times wrongly stated that Clinton “does not need the House’s moral support to continue air strikes.” Writings of the founding fathers confirm that the Constitution authorized Congress alone to initiate war. (See http://warandlaw.org, “What the Founders of the U.S.A. Wrote....")

Advocates of war crimes

War pushers at the home of “All the News That’s Fit to Print,” besides editorial writers, included two New York Times columnists who advocated in effect the very crimes that they blamed Serbs for.
“Let’s see what 12 weeks of less than surgical bombing does. Give war a chance,” Thomas Friedman wrote, using a slogan he would recycle for every new war (April 6). He went on (April 23): “Every power grid, water pipe, bridge, road and war-related factory has to be targeted. Like it or not, we are at war with the Serbian nation.”

Anthony Lewis wrote that critics of the bombings should “think again about which side they are on” (May 29). He said a Serbian commander in Bosnia seven years earlier ordered widespread burning of Sarajevo.

That should be remembered when Serbs today describe themselves as victims. NATO air attacks have killed Serbian civilians. That is regrettable. But it is a price that has to be paid when a nation falls in behind a criminal leader.

So because a Serbian officer once committed an atrocity, the Serbian people deserve to die? Note that when it comes to war, notions of collective guilt and collective punishment tend to replace American principles of individual responsibility and presumption of innocence.

Bill O’Reilly, on the Fox News Channel, also favored what amounted to war crimes against the Serbian people (April 26):

[D]estroy their infrastructure, totally destroy it. Any target is OK.... I would level that country so that there would be nothing moving—no cars, no trains, nothing.... The Serb people should be held accountable for this dictator.

In Time magazine, Bruce Nelen objected to the use of relatively light bombs, because it was not certain that a target would be destroyed in one attack (April 5).

And if the pilot has to come back, that increases the risk to him in order to lessen the risk of civilians on the ground—a kind of Disneyland idea of customer service that rankles many war fighters at the Pentagon.

The Pentagon apparently paid heed to commentators like those, who advocated in effect stepping up the killing of civilians. Toward the end of the war, there appeared to be no restrictions on bombing. In an op-ed article in The New York Times, ex-President Jimmy Carter, wrote (May 27):

[O]ur destruction of civilian life has now become senseless and excessively brutal.... As the American-led force has expanded targets to inhabited areas and resorted to the use of anti-personnel cluster bombs, the result has been damages to hospitals, offices and residences of a half-dozen ambassadors, and the killing of hundreds of innocent civilians and an untold number of conscripted troops.... Missiles and bombs are now concentrating on the destruction of bridges, railways, roads, electric power, and fuel and fresh water supplies.... The ends don’t always justify the means.

Another civilian target was Radio Television Serbia, where bombs killed 16 to 20 (reports differed) editorial, technical, and office personnel on April 23. The attackers called their bombing accidental. But nearly five years later, I heard Wesley Clark, the war’s top general, admit that it was intentional. A reporter for Pacifica Radio, Jeremy Scahill, had questioned him and recorded his response.

U.S. news media said little about that destruction of media of speech and press. Most accepted the president’s “air campaign” or “strikes” (two popular euphemisms for the aerial killing).

Unfit to print

In their zeal for war and scorn for Serbs, writers did not necessarily let logical consistency stand in their
way. Stacy Sullivan in The New Republic raised “disturbing questions about the culpability of Serbs as a whole in the actions of the authoritarian government that rules them” (May 10). It was not explained how they could tell the authoritarian government that ruled them what to do.

This was the lead of a main story in The New York Times by Steven Lee Myers and Elizabeth Becker:

WASHINGTON, April 24—NATO began its second month of bombing against Yugoslavia today with new strikes against military targets that disrupted civilian electrical and water supplies, as the alliance’s leaders took steps to expand the war effort, including an agreement to use air bases in Hungary.”

Civilian drinking water and electricity were bombed out, yet the targets were “military”!

Meeting in Washington, those leaders celebrated the fiftieth anniversary of the North Atlantic Treaty Organization, the story added. But it failed to mention NATO’s supposedly defensive purpose. This is from Article 1 of the treaty (1949):

The parties undertake, as set forth in the Charter of the United Nations, to settle any international disputes in which they may be involved by peaceful means and to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the United Nations.

Contrarily, the organization had become an aggressive war machine, unrestrained by the international law on which it was supposedly based.

Many news accounts in The New York Times could have been written by U.S. government propagandists. Steven Erlanger wrote, February 20:

Serbian violations of that agreement [an unspecified agreement between Milosevic and Holbrooke], including killings of ethnic Albanian civilians [no evidence cited] have brought this latest crisis to a more decisive moment....

In Belgrade, there was more fatigue with Mr. Milosevic’s endless diplomatic games and crisis manipulations.

An exception was Erlanger’s February 24 piece, on the negotiations over Kosovo and the controversy over an international force to carry out a political settlement:

Mr. Milosevic has shown himself at least as reasonable as the ethnic Albanians about a political settlement for Kosovo.... Already the Serbian President, Milan Milutinovic, has said that, when negotiations resume on March 15, the Serbs are ready to discuss “an international presence in Kosovo” to carry out political arrangements of any agreement. And other Serbs have floated ideas that include leavening Western forces with lots of Russians....

Within a month, Erlanger apparently forgot all that. His story headed “U.S. Negotiators Depart, Frustrated By Milosevic’s Hard Line” presented just one side: U.S. officials’ talk of Yugoslav intransigence (March 24). It said, incorrectly, that the Yugoslav parliament had met “to reject the idea of foreign troops into Kosovo,” The parliament had accepted exactly that. Although rejecting a U.S. proposal, it adopted a resolution declaring Yugoslavia “ready, immediately after the signing of the political settlement about [Kosovo’s] self-management ... to consider the dimensions and character of the international presence ... for the implementation of such a settlement.”

Jane Perlez also erred in the Times (April 14): “Mr. Milosevic has absolutely refused to entertain an outside
force in Kosovo, arguing that the province is sovereign territory of Serbia and Yugoslavia."

To the contrary: on February 20, after two months of talks at Rambouillet among the Yugoslavs, ethnic Albanians, Americans, British, French, Germans, and Russians, the Russian news agency ITAR-TASS reported that a compromise offer had been floated: “a multinational force ... under the UN or the OSCE flag rather than the NATO flag as was planned before.” The Yugoslav delegation showed “signs that it might accept international peacekeepers” for Kosovo from one of those two bodies. But the next day, Secretary of State Madeleine Albright, stated on CNN, “The United States’ position is that it has to be a NATO-led force.”

What the Yugoslavs rejected was the U.S. proposal for an occupation of the whole country, including all of Serbia and Montenegro—not just Kosovo—by a hostile army, specifically 28,000 NATO soldiers. The document handed to the Yugoslav government to sign—or else—contained provisions like these:

7. NATO personnel shall be immune from any form of arrest, investigation, or detention by the authorities in the FRY [Federal Republic of Yugoslavia]....

8. NATO personnel shall enjoy, together with their vehicles, vessels, aircraft, and equipment, free and unrestricted passage and access throughout the FRY including associated airspace and territorial waters....

9. NATO shall be exempt from duties, taxes, and other charges and inspections and customs regulations....

“They need some bombing”

The news media nearly all placed the blame for the breakdown of negotiations on stubborn intransigence of the government in Belgrade. The truth was otherwise. On May 18, Jim Jatras, a foreign policy assistant to the Senate’s Republicans, said in a speech to the Cato Institute in Washington that a senior administration official told the news media at Rambouillet, “We intentionally set the bar too high for the Serbs to comply. They need some bombing, and that’s what they’re going to get.”

A similar version appeared in The Nation on June 14. George Kenney, a former State Department officer, said an unimpeachable press source who regularly traveled with the secretary of state told Kenney a senior State Department official had bragged that the U.S. “deliberately set the bar higher than the Serbs could accept.” The official said the Serbs needed a little bombing to see reason.

The correspondents, representing the major news organizations, were sworn to “deep-background confidentiality.” So what they knew and what they reported were far different.

In June 2000, Amnesty International issued a postwar report accusing NATO of violating laws of war during its bombing. The organization declared that NATO committed war crimes by air raids that failed to distinguish between civilian and military targets and continued even after it was obvious that civilians were being killed and wounded.

A little-known report by Human Rights Watch in 2001 held the Kosovo Liberation Army responsible for up to 1,000 “abductions and murders of Serbs and ethnic Albanians considered collaborators with the state ... widespread and systematic burning and looting of homes belonging to Serbs, Roma, and other minorities and the destruction of Orthodox churches.” The place was Kosovo after Yugoslavia’s defeat and withdrawal.

The U.S.-sponsored International Criminal Tribunal for the Former Yugoslavia refused to consider a
complaint by international human rights lawyers accusing NATO leaders of war crimes. Instead it tried the
head of the nation they ravaged.

In February 2002, Slobodan Milosevic went on trial in The Hague, Netherlands, on 66 counts of war crimes
in Bosnia, Croatia, and Kosovo during civil wars of the 1990s. The trial dragged on for four years, never to
be concluded. In attempting to defend himself, Milosevic tried futilely to detail American war crimes and the
common support for Albanian terrorists by Osama bin Laden and the U.S. He sought to compel Clinton, a
former friend, to testify. None of the defense arguments made the main news media.

Suffering heart disease and high blood pressure, Milosevic, 64, requested a trip to Russia for medical
treatment. After four months, in February 2006, the tribunal rejected his request. The following month,
Milosevic wrote that he was being poisoned, that a “heavy drug” was found in his blood. Hours later he was
dead.

A Dutch toxicologist found traces of an unprescribed antibiotic in Milosevic’s system. The Serbian
president, Boris Tadic, held the tribunal responsible for his death. Milosevic’s son, Marko, called it murder.

The news reports presented the tribunal’s accusations as fact. ABC and NBC television news both called
the late defendant “the butcher of the Balkans.” USA Today editorialized, “A defendant is always innocent
till proven guilty,” yet it copied the “butcher of the Balkans” epithet and convicted Milosevic of “ethnic
brutality.” MSNBC said Milosevic faced charges “after orchestrating a decade of bloodshed.” CNN.com
headlined, “Milosevic: Architect of Balkans carnage.” CBS radio news described “the dictator who
presided over ethnic cleansing in the Balkans.” ABC radio news resurrected the genocide accusation and
had Clinton’s envoy Holbrooke saying, “He killed 300,000 people.”

So who needed a court verdict?

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