



School of Law
UNIVERSITY OF GEORGIA

Digital Commons @ University of Georgia
School of Law

Popular Media

Faculty Scholarship

7-8-2006

From Mayberry to Nuremberg

Donald E. Wilkes Jr.

University of Georgia School of Law, wilkes@uga.edu

Repository Citation

Wilkes, Donald E. Jr., "From Mayberry to Nuremberg" (2006). *Popular Media*. 163.
https://digitalcommons.law.uga.edu/fac_pm/163

This Article is brought to you for free and open access by the Faculty Scholarship at Digital Commons @ University of Georgia School of Law. It has been accepted for inclusion in Popular Media by an authorized administrator of Digital Commons @ University of Georgia School of Law. [Please share how you have benefited from this access](#)
For more information, please contact tstriepe@uga.edu.

FROM MAYBERRY TO NUREMBERG

Published in Flagpole Magazine, p. 8 (July 12, 2006).

Author: Donald E. Wilkes, Jr., Professor of Law, University of Georgia School of Law.

The more one loves, admires, reveres the [American] Republic, the more heartsick one feels at such a catastrophe.—Victor Hugo

It will soon be six years since five right-wing Republican U.S. Supreme Court justices, first, on the flimsiest of pretexts, outrageously stopped an ongoing, soon-to-be completed vote recount and then, in the most scandalously partisan and dishonest judicial opinion in recent history, hand-delivered the presidency to fellow right-wing Republican George Bush. [Note: Prof. Wilkes' [article](#) on *Bush v. Gore* appeared in *Flagpole Magazine* on Dec. 11, 2002.]

The cataclysmic results of that disastrous decision on human rights protections are everywhere before us. *Bush v. Gore* placed in power a goober camarilla of inept neocons who fancy they are clever and cunning, but who actually are nothing more than Mayberry Machiavellians, bumpkin Bismarckians who have deluded themselves into believing that they are *Realpolitikers* who can fool almost everyone almost all the time. They deviously cloak their plottings and intrigues from public view. They believe that the end justifies the means and that trickery and deceit are standard operating procedure; they are eager to deploy U.S. armed forces to achieve their macho foreign policy goals, even when this means the copious shedding of blood by American soldiers and innocent civilians; and they don't think much of human rights, and use deceitful stratagems to assure that their enormous abuses of government power are not sidetracked by successful appeals to individual rights. Their swaggering braggadocio and effrontery are mind-boggling. They subordinate decency, morality, and legality to their extremist policy judgments; they revel in the exercise of raw power and brute force; they (in the words of historian Edward Crankshaw) "exalt the amoral concept of politics into a principle;" and, using weasel words and Orwellian euphemisms, they cynically communicate to the public only the information that serves their interest or cannot be denied. They strut and talk like nattering nabobs of neo-Nazism. The governmental policies they have executed have befouled the good name of America all across the civilized world.

When Bush ran for president in 2000, he pretended that he and his cabal of right-wing extremist rubes were moderates. Ever since Bush was elected by five friendly Republicans sitting on the Supreme Court, we have gradually learned the truth: Bush and his cornpone clique secretly had a radical, far-right agenda for both foreign and domestic policy. That agenda is scornful of human rights but conducive to quantum jumps in government power and secrecy. Former President Jimmy Carter was right: Bush (and his claue of yokels) secretly planned to invade Iraq before 9/11—indeed, even before the stolen 2000 election. They did not, however, send adequate numbers of troops to do the job in Iraq and they failed to make adequate plans for governing a post-Saddam Hussein Iraq; as a result of this incompetence the international terrorist threat increases daily, and the United States is mired in another Vietnam and has squandered at least \$300 billion.

The Bush administration's human rights record is shocking and loathsome. Waging a war of aggression against tiny Iraq based on cherry-picked intelligence, false information, scare tactics, and glib assurances. Mocking the Geneva Conventions. Flouting the International Committee of the Red Cross. Secret arrests, secret renditions, secret prisoners, and secret prisons. Black sites and ghost prisoners. Torture and mistreatment of prisoners. Naked prisoners. Abu Ghraib. Gitmo. Waterboarding. Terrorizing prisoners with snarling dogs. The CIA transmogrified into a sort of Ministry of Love with interrogation cellars, as well as into a shadowy airline whose mysterious aircraft make undocumented flights to clandestinely transport secret prisoners who have been or will be tortured by the CIA or by countries to whom the prisoners have been surreptitiously rendered by the CIA. Secret memos (including the infamous torture memos) prepared by government lawyers which clothe with legal respectability practices which are illegal and unacceptable. American citizens, designated "enemy combatants" by Bush, seized by military police, and whisked off to be incarcerated and interrogated incommunicado and indefinitely in high security military prisons without lawyers and without charges. Bold presidential assertions that Bush is above the law—for example, that he can violate the Foreign Intelligence Surveillance Act of 1978 with impunity, and that when he leaks classified information for political purposes the act of leaking by a president automatically declassifies the information.

The Bush administration's contempt for human rights is epitomized in a comment

made in December 2002 by an anonymous U.S. official who, in response to questions about abuse of prisoners by the CIA and the U.S. Army, told *The Washington Post*: “If you don’t violate someone’s human rights some of the time, you probably aren’t doing your duty.” In torture this administration trusts.

But there is good news. In November there are going to be congressional elections, and the neocon rubes are frightened to death. They know that if Bush’s political party loses control of either house of Congress, they will be investigated and perhaps held civilly and criminally accountable for their enormous misdeeds which have so damaged this nation.

It may be that their fears are groundless. It may be that individual congressional districts have been so gerrymandered that no matter what the party in power does it will still win elections, even if overall a majority of the American people reject that party’s policies.

There is also the danger that the election will be fraudulent due to pro-Republican corruption in the casting or counting of ballots. The 2000 and 2004 presidential elections prove that elections may be stolen.

Furthermore, there are lots of repulsivos out there—the zanies, the zombies, and the compulsive haters—who will vote for the current group in power, no matter what outrages it commits, so long as that group battles politically against flag-burning or gay marriage or adoptions by gays, or against legal abortions, or against affirmative action, or against restrictions on capital punishment, or against non-Draconian treatment of illegal immigrants.

But hopefully the sanctity of the right to vote still exists; and if it does, the free elections next November may produce a Congress that will address itself, among other things, to investigating, exposing, and correcting the human rights violations that have occurred. This necessarily means that neocons must prepare themselves for criminal trials for their felonies and look to the possibility that they may wind up in one of those monstrous prison facilities they have built with such alacrity. Neocons in supermaxes: what a prospect!

Even if Bush administration officials never face domestic civil or criminal liability in

this nation's courts, they must watch out not only for November but also Nuremberg. After WWII, the major Nazi war criminals were tried by an international tribunal in Nuremberg, Germany for crimes against peace (that is, waging aggressive war, or conspiring to wage aggressive war), for war crimes, and for crimes against humanity. [Editor's Note: Prof. Wilkes' two-part article on the Nuremberg trial appeared in *Flagpole* on July 10 and 17, 2002, and may be accessed at flagpole.com/Weekly/2574 and flagpole.com/Weekly/2550.] Ten of the convicted Nazis were hanged in 1946. Today there is an International Court in Europe which has jurisdiction over the types of criminal offenses for which those Nazis were executed, although that court does not allow the death penalty.

The Bush administration's war of aggression against little Iraq, its inhuman mistreatment of prisoners, and its innumerable other violations of international law expose it to charges of committing crimes against peace as well as war crimes and crimes against humanity. The day may come, therefore, when, after they have left office, Bush, Cheney, Rumsfeld, Rice, and Gonzalez, as well as others, will find themselves not secretly rendered but publicly, legally and properly extradited to Europe and called upon to answer the charges in court. How do you plead, George W. Bush? How do you plead, Richard B. Cheney? How do you plead, Donald W. Rumsfeld? How do you plead, Condeleeza Rice? How do you plead, Alberto R. Gonzales?

Perhaps, in an atypical display of honesty, they might then tender to the court one of the permissible pleas their political supporters have recently installed for criminal defendants in various American jurisdictions: "Guilty But Mentally Retarded," or "Guilty But Insane."

Is there something more horrifically humiliating than the spectacle of the United States of America being run by war criminals? You bet there is. It is an America run by hayseed war criminals whose bumbling ineptitude conjures up unfunny visions of scheming, duplicitous, and unscrupulous Barney Fifes armed with nuclear weapons.