

By Robert Pary

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*New York Times* columnist Nicholas D. Kristof--like many of his American colleagues--is applauding the International Criminal Court's arrest order against Sudanese President Omar Hassan al-Bashir for his role in the Darfur conflict that has claimed tens of thousands of lives.

In his [Thursday column](#), Kristof describes the plight of an eight-year-old boy named Bakit who blew off his hands picking up a grenade that Kristof suspects was left behind by Bashir's forces operating on the Chad side of the border with Sudan.

"Bakit became, inadvertently, one more casualty of the havoc and brutality that President Bashir has unleashed in Sudan and surrounding countries," Kristof wrote. "So let's applaud the I.C.C.'s arrest warrant, on behalf of children like Bakit who can't."

By all accounts, Kristof is a well-meaning journalist who travels to dangerous parts of the world, like Darfur, to report on human rights crimes. However, he also could be a case study of what's wrong with American journalism.

While Kristof writes movingly about atrocities that can be blamed on Third World despots like Bashir, he won't hold U.S. officials to the same standards.

Most notably, Kristof doesn't call for prosecuting former President George W. Bush for war crimes, despite hundreds of thousands of Iraqis who have died as a result of Bush's illegal invasion of their country. Many Iraqi children also don't have hands--or legs or homes or parents.

But no one in a position of power in American journalism is demanding that former President Bush join President Bashir in the dock at The Hague.

### Tortured Commission

As for the unpleasant reality that Bush and his top aides authorized torture of "war on terror" detainees, Kristof suggests only a Republican-dominated commission, including people with close ties to the Bush Family and to Bush's first national security adviser Condoleezza Rice.

"It could be co-chaired by Brent Scowcroft and John McCain, with its conclusions written by Philip Zelikow, a former aide to Condoleezza Rice who wrote the best-selling report of the 9/11 commission," Kristof wrote in a Jan. 29 column entitled "[Putting Torture Behind Us](#)."

"If the three most prominent members were all Republicans, no one on the Right could denounce it as a witch hunt -- and its criticisms would have far more credibility," Kristof wrote.

"Democrats might begrudge the heavy Republican presence on such a commission, but surely any panel is better than where we're headed: which is no investigation at all. ...

"My bet, based on my conversations with military and intelligence experts, is that such a commission would issue a stinging repudiation of torture that no one could lightly dismiss."

In an [earlier formulation](#) of this plan, Kristof suggested that the truth commission be run, in part, by Bush's first Secretary of State Colin Powell.

One of the obvious problems with Kristof's timid proposal is that Rice and Powell were among the senior Bush officials who allegedly sat in on meetings of the Principals Committee that choreographed the abuse and torture of specific detainees.

Zelikow remained a close associate of Rice even after she replaced Powell as Secretary of State. And Scowcroft was President George H.W. Bush's national security adviser and one of

Rice's key mentors.

It's also not true that any investigation is always better than no investigation. I have witnessed cover-up investigations that not only failed to get anywhere near the truth but tried to discredit and destroy whistleblowers who came forward with important evidence.

In other words, bogus and self-interested investigations can advance bogus and self-interested history, which only emboldens corrupt officials to commit similar crimes again.

### No Other Context

Kristof's vision of having President Bush's friends, allies and even co-conspirators handle the investigation of Bush's crimes would be considered laughable if placed in any other context.

But Kristof's cockeyed scheme passes almost as conventional wisdom in today's Washington.

On Wednesday, the *Washington Post* assigned its satirical writer, Dana Milbank, to cover – and mock – Sen. Patrick Leahy's Judiciary Committee hearing on his own plan for a truth commission to examine Bush-era abuses.

Milbank's [clever article](#) opened with the knee-slapping observation: "Let's be truthful about it. Things aren't looking so good for the Truth Commission."

The derisive tone of the article also came as no surprise. Milbank has made a cottage industry out of ridiculing anyone who dares think that President Bush should be held accountable for his crimes.

In 2005, when the Democrats were in the minority and the Republicans gave Rep. John Conyers only a Capitol Hill basement room for a hearing on the Downing Street Memo's disclosures about "fixed" intelligence to justify the Iraq War, Milbank's column dripped with sarcasm.

"In the Capitol basement yesterday, long-suffering House Democrats took a trip to the land of make-believe," Milbank wrote. "They pretended a small conference room was the Judiciary Committee hearing room, draping white linens over folding tables to make them look like witness tables and bringing in cardboard name tags and extra flags to make the whole thing look official."

And the insults--especially aimed at Conyers--kept on coming. The Michigan Democrat "banged a large wooden gavel and got the other lawmakers to call him 'Mr. Chairman,'" Milbank wrote snidely.

Then, [last July](#), Milbank ridiculed a regular House Judiciary Committee hearing on Bush's abuses of presidential power. The column ignored the strong case for believing that Bush had violated a number of international and domestic laws, the U.S. Constitution, and honorable American traditions, like George Washington's prohibition against torture.

Instead, it was time to laugh at the peaceniks. Milbank opened by agreeing with a put-down from Rep. Lamar Smith, R-Texas, calling the session "an anger management class." Milbank wrote: "House Democrats had called the session ... to allow the left wing to vent its collective spleen."

Milbank then insulted Rep. Dennis Kucinich, who had introduced impeachment resolutions against Bush, by calling the Ohio Democrat "diminutive" and noting that Kucinich's wife is "much taller" than he is.

What Kucinich's height had to do with an issue as serious as abuses of presidential power was never made clear. What Milbank did make clear, through his derisive tone and repeated insults, was that the Washington Establishment takes none of Bush's crimes seriously.

So, Milbank's mocking of Leahy's latest initiative fits with this pattern of the past eight years – protecting Bush from the "nut cases" who think international law and war-crimes tribunals should apply to leaders of big countries as well as small ones.

The pattern of "American exceptionalism" also can be seen in Kristof cheering the application of international law against an African tyrant but suggesting that Bush's offenses should be handled discreetly by his friends.

Journalist Murray Waas often used the saying, "all power is proximate." I never quite understood what he meant, but my best guess was that Waas was saying that careerists--whether journalists or from other professions – might have the guts to take on someone far away or who lacked power, while ignoring or excusing similar actions by someone close by with the power to hurt them.

That seems to be especially true about Washington and its current cast of "respected" journalists. They can be very tough on President Bashir but only make excuses for President Bush.

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**Robert Parry** broke many of the Iran-Contra stories in the '80s for the Associated Press and Newsweek. His books, including *Neck Deep: The Disastrous Presidency of George W. Bush* and *Secrecy and Privilege: Rise of the Bush Dynasty from Watergate to Iraq*, can be ordered [here](#). He is the editor of [Consortium News](#).