

# REGARDING HENRY KISSINGER

A panel discussion on the making of a war criminal

*The following forum was held on February 22, 2001, at the National Press Club in Washington, D.C. The conversation was moderated by Lewis H. Lapham, editor of Harper's Magazine, and was broadcast live by C-SPAN. For more information on the Kissinger debate, please visit [Britannica.com](http://Britannica.com).*

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LEWIS LAPHAM: You can begin, Christopher.

CHRISTOPHER HITCHENS: Thank you, Lewis. And thank you, ladies and gentlemen, for coming. I'm acutely conscious of having already had my say, so to speak, at some length. And acutely conscious also of being the only one who stands between you and people who have greater expertise than I do.

But I thought I would offer you a play on some recent words you may have been made to memorize. These words are: peaceful, orderly, democratic transition. You may have heard these words recently uttered in a self-congratulatory, not to say self-regarding, manner. You may have had the opportunity to tire of hearing the words peaceful, orderly, democratic transition. You may have wondered why you are so often assured that the great distinction of the United States is what it does, or has, or can boast of. You may even think that it's slightly sinister that you keep being told that you have a peaceful, democratic, orderly transition. You may even wonder why, if it was so obvious, it had to be restated so often. So I'll stop saying it myself, hoping I've made my play on words direct your attention to two elements of my folio on Mr. Kissinger.

The first is the election of 1968 in these United States. If I can make a claim to not to originality, perhaps, but to a certain synthesis in what I've written-it would be this: I think that I can say that Harper's has published for the first time the summation of all the available evidence of how that election was undermined, distorted, and fixed by a most appalling piece of cynicism by Richard Nixon and others, who negotiated secretly with a foreign military dictatorship to undermine the position of the United States government and its legal and visible negotiators in Paris. They made an illegal and immoral pact that this foreign military dictatorship would get a better deal from an incoming Republican administration. And in making this pact they took out what one might euphemistically

describe as a mortgage or lease on another four years of an already proven immoral and atrocious war.

The combination of the subversion of that election and the extension of that war is the price of the bargain, which qualifies, I think, to be termed, without any other statement, the single wickedest act in the history of this republic. And it may be doubted whether it quite qualifies under the tradition of a democratic, peaceful, and orderly transition. Of the four people who concerted that policy-Richard Nixon, Attorney General John Mitchell, Vice President Spiro Agnew, and Henry Kissinger-only one has escaped any kind of indictment so far. John Mitchell was the first attorney general to go to jail. Richard Nixon had to accept a pardon in order to avoid indictment and impeachment. And Spiro Agnew had to publicly resign. There's only one unindicted co-conspirator still on the loose. I suggest that's a reproach to a country that considers itself to be bound by law and bound by justice.

Democratic, peaceful, orderly transition was also the great boast, and rightly so, of the people of Chile, our southern neighbor-a country that has never offended or threatened to offend (or had the capacity to offend or threaten) the United States. Chile was distinguished among its hemispheric neighbors precisely by the fact that when its people voted their choice for the next government, the armed forces or the police or the oligarchy didn't determine the outcome and couldn't intervene. And that would remain the state of affairs until 1970, when it was coldly decided at a meeting in Washington held by Mr. Kissinger that there was to be no peaceful, democratic, orderly transition in Chile; that the 60-day constitutionally mandated waiting period between the election of the president-in this case Salvador Allende-and his inauguration would be used for a campaign of murder and subversion in order that that transition not occur.

And this involved the cold-blooded planning of the murder of General René Schneider, the head of the Chilean armed forces, an honorable, conservative, and constitutionally minded officer in a country which, I repeat, was a democracy that had opened diplomatic and trade relations with the United States and posed no threat to it. And that murder is now what a lawyer could decently call a lay-down case. A lay-down case from soup to nuts: we know who commissioned it, who paid for it, who organized it, who shipped the illegal money, who shipped the dirty weapons to Chile to have this done, and who paid the murderers after the crime had been committed. And the same name and the same face recurs throughout. We charge Henry Kissinger with murder for that, and we say that the society that tolerates it is tolerating murder, too. And that's, therefore, a big reproach to a society that claims to be bound by law and responsive to justice. And of course, it's an utter cynical negation of all

the claims that have been made about democratic, peaceful, orderly transition.

As I said of the four people who conducted the election subversion in 1968, only one remains unindicted. If you, now, look at the international scene and see the people with whom Dr. Kissinger was in business during his tenure in office, you will find that almost all of them are also in jail in their own countries, or are going there. Of Mr. Kissinger's business and political partners, Mr. Suharto, General Pinochet, General Papadopoulos in Greece, the brigadiers in Bangladesh who committed the assassination of Sheikh Mujibur Rahman, and quite a number of others are in jail, I'm glad to say- tried in public courts in their own countries and condemned to life imprisonment.

Once again, the grand exception is the man who made their political or military careers possible. That he dwells as an honored citizen among us is a reproach to any society that considers itself bound by international law or responsive to the claims of justice on an international scale. So let that be my opening bid and let me accept counter offers for more enlargements or undercuts from these distinguished gentlemen. Thank you.

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F O R U M

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**Regarding Henry Kissinger**

COTT ARMSTRONG: Christopher, I'm not sure this is directly responsive to your bid, but I think I share with you and everyone here a deep concern about accountability in public service. To me, it's a given that without high-quality public servants we would not have even the mere bones of government that we now have. I encourage young people that I meet to go into government, to get the experience, to persevere. I've even been known to congratulate senior officials on their departure from government-usually for what they didn't do and usually cataloged so that I can show them that if they had acted in the way that was suggested, the result would have been worse. And I often find that they're surprised to be thanked, that they rarely are thanked except by the corporate interest they're expected to represent.

The difficulty of accountability, it seems to me, is that if we don't have accountability for the past, we will not have people willing to serve in the future. We must make and document some arrangements that will allow the debate that we'll have here today to be more clearly focused on individual service. It is a dangerous, violent world out there. We're often told that public officials can't avoid regional conflicts, ethnic cleansing, the harsh realities involved in the national security decisions of every administration, which generally seems to me to mean arguments to protect American interests that are not necessarily the interests of the American people, except by virtue of their investment in a corporate society. And the difficulty of dealing with a political leadership that's elected to protect these interests is most dramatically presented in Kissinger's case.

There is an adage that I'm afraid we are likely to invert. The adage is to make the punishment fit the crime. And I think now we sometimes are in danger of making the crime fit the punishment. Mr. Kissinger is, in the parlance of street protests in the '60s, already known as a war criminal. We're prepared to punish him as such. Now we find ourselves ordering our facts in such a way as to construct the crimes with which we're prepared to punish him. I have some question about this. These were not unique actions. They were not covert. They were not Oliver North-type government out of control. These actions were, in fact, very singular in their arrogance. They were openly contemptuous of many constitutional niceties, and Henry Kissinger and those around him were very much in control. These were deliberate manipulations of the levers of power. And Henry Kissinger was-is-very much in the loop. He defined the loop. And Christopher's indictment, if I can call it that, is of an entire administration, stretched by the Nixon administration into two administrations. And those who served with him, above him, across the Potomac, and even in

Congress bear similar measures of responsibility.

So, what are we to do if we are not just to loosely throw around the term "war criminal"? We must dig out, analyze, and order the facts, the documentary record, and the forensic explanations that are offered by Mr. Kissinger, Mr. Nixon, and virtually every other member of that administration.

It is in the bureaucratic context that we find this most interesting. And Henry Kissinger has done something quite remarkable. He's taken the most important of his papers and hidden them in plain sight. He has installed them in the Library of Congress under a deed that makes them inaccessible until 2001 or five years after his death. That means no matter how tragic his life may be this year, we're not going to be looking at those papers for another five years.

They include authentic telephone transcripts of virtually every important meeting he had. The case in which the appropriateness of taking government records and putting them into the Library of Congress was litigated is *Kissinger v. the Reporters Committee for Freedom of the Press*. The other plaintiffs were the Military Audit Project and one William Safire of the New York Times.

By an unusual Supreme Court majority that actually only had, depending on how you read the opinions, four members-it included two concurrences and a partial concurrence and two abstentions-we have established a rule of law that allows one to put his papers out of the reach of the public. General Haig and Caspar Weinberger did this. In fact, Caspar Weinberger was indicted for doing it, before he was pardoned by President Bush, because it was seen as a deliberate attempt to obstruct justice.

The difficulty we now have is that there is an ongoing investigation of General Pinochet. The FBI has been pursuing this more actively than has been publicly reported. But even public reports acknowledge that there's now enough information to indict General Pinochet in the United States. However, the best evidence is in the Library of Congress. The FBI is getting some access to that evidence, but it has to negotiate with Henry Kissinger's lawyers. These are government records needed in a criminal investigation for which the United States government has to negotiate access.

I think these materials will elucidate a variety of things Kissinger has done. But the most important aspect of the situation is that he and his staff have had complete access to this material. And Henry Kissinger has put out a very carefully selected and shaped account that is outside the control

of history, beyond the memory of those who might refute it. It is very unlikely that in five years this material will be accessible. The Library of Congress has conspired to some degree to support this.

What are we to do now? How do we approach this? I don't think there are simple answers. We'll hear, I'm sure, in a minute about crimes against humanity and international prosecutions. My concerns are much more about the American legal system and the ability to get some sort of truth and reconciliation process. Henry Kissinger's defense, which was quite deliberately articulated just the other night on The NewsHour With Jim Lehrer was that much of this was done in the name of the Cold War. And in the Cold War, he said: "We may have been wrong, but we genuinely believed that we had to do something about Chile, and other places, to prevent Communist takeovers."

Well, I think it's time that we understood the range of those activities. Christopher has laid them out quite clearly. One of the more interesting rebuttals to the notion that there should be international accountability was given by John Bolton, one of the people with such responsibilities in the Reagan administration. Bolton testified during that administration that an international court of criminal justice would not be an adequate deterrent to the activities of dictators like Pol Pot or Saddam Hussein.

And yet, I remember listening to John Deutch explain that he was very disturbed that the records of a previous Central Intelligence Agency director might be released after 40 years. His remark was: "Imagine if those were released. If I knew that those were going to be released, it would change the way I treated my peers in the intelligence community from other countries. It would change my behavior." Precisely so.

The notion of accountability seems to be such a shock within government circles. And I think it's a rare opportunity to see that the obvious lies right on the surface. And so, the empirical issues of chain-of-command claims of responsibility, efforts to effect the outcome--the very things that we see in government decision-making are now something that we have an opportunity and a responsibility to demand, whether it's done by legislation or by a commission. I fear a commission. And who would appoint a commission? But there needs to be some mechanisms of accountability to lay out and complete the record that Christopher has begun to describe.

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## Regarding Henry Kissinger

TANLEY KUTLER: Well, Scott touched on some of the issues I wanted to mention, but let me reiterate a few of them. First of all, the problem with Christopher's indictment here is that Senator Helms has made it clear that he will block any treaty that would turn any American over to foreigners for war crimes trials. I suspect that Senator Helms might like to make an exception for Henry Kissinger—not necessarily on Christopher Hitchens' grounds, but on grounds that reflect his own prejudices and agenda.

APHAM: One count of everything.

TUTLER: Let me just say a few words briefly about the work. It's quite devastating, I think. It's built on a lot of first-rate digging into primary sources, paralleling, I would tell you, a lot of the work that's going on in the scholarly history community these days.

You know, the director of the Nixon Library has always said that when all the good stuff comes out, Nixon's reputation will be rehabilitated. Well, perhaps you're not aware of it, but there are books now on Nixon and the economy, Nixon and agriculture, Nixon and Vietnam, and so forth. All of them make extensive use of the Nixon papers, which include things about Henry Kissinger as well. And I will tell you, he ain't doing so well.

It's very, very clear, I think, where this historical record is going. It would take massive revisionism to turn it around, and I just don't see that in the

cards.

It's interesting that Christopher touched on a number of new issues. Work has been done on Vietnam, some on Chile. But no work on Cyprus among historians, none. Nothing on Bangladesh. And nothing, of course, on the distinguished gentleman from Greece, Elias P. Demetracopoulos, about whom Christopher wrote at length, describing what happened to him here.

I'd like to say, parenthetically, that when I interviewed John Mitchell a number of years ago, I asked him what he knew about Demetracopoulos. And this is the man who, as Christopher points out in the article, was reportedly livid with Demetracopoulos, and was going to get him and so forth. Mitchell was in a very serious mood that day, and he told me--he gave me an advanced peek into the notion--that there was a prostitute ring at the Democratic National Headquarters and that John Dean had masterminded the whole Watergate break-in, for which he had an audience of one. Namely, G. Gordon Liddy.

But when I asked Mitchell about Demetracopoulos, he said: "Never heard of him. Didn't know him." So--I don't have this on videotape, and it didn't show up on audiotape--he explained to me his whole notion of Dean masterminding Watergate. I said to him, "You can't be serious." He just winked at me. But I couldn't record that on audiotape, unfortunately. When we talk about Kissinger's crimes and so forth, one of the things I think we have to remember is that Kissinger was the national security advisor. He subsequently became secretary of state. Now, he bears a great deal of responsibility that things were done, but I'm still a great believer that responsibility begins at the very top. And if we're going to talk about Kissinger here, we're going to have to talk very, very much about Richard Nixon's culpability in all this.

But as Christopher said, Richard Nixon had his comeuppance in terms of the resignation; Spiro Agnew, Mitchell also. But, you know, the responsibility, the accountability is very widespread. Scott briefly alluded to this. What about leaders in Congress? I've always been bemused by this notion of the secret bombing of Laos that wasn't so secret. Congressional leadership knew about that. It's very interesting that, when they come down to the impeachment articles against Nixon, Congressional leaders got the proposal to impeach him on the grounds of the secret bombing of Laos withdrawn because they know they were culpable and accountable in that matter as well. So, these are not isolated acts, they permeate as "policy," and were justified in the name of the Cold War. But it's on a very, very broad level.

Lest anyone think that Kissinger's critics are all to the left, or liberals, I would remind you that on the right in this country there has long been a

very, very strong distrust of Henry Kissinger. There's a whole literature- this belongs in the realm of kookdom about Kissinger-that he was really a secret Soviet agent. That I dismiss. But we can't dismiss Elmo Zumwalt, the naval commander who gave us that unforgettable remark about the Paris Peace Accord, which was described as peace with honor. He said it was neither peace nor honor. But he wrote in his memoirs: "I had first become concerned many months before the June 1972 burglary [Watergate] about the deliberate, systematic, and, unfortunately, extremely successful efforts of the President, Henry Kissinger, and a few subordinate members of their inner circle to conceal, sometimes by simple silence more often by articulate deceit, their real policies about the most critical matters of national security."

That great leaker, Alexander Haig, didn't like them either. And I've always believed that Haig had a strong part in the Joint Chiefs of Staff spying on Kissinger.

One remark about the papers. I've been aware for some time of what Kissinger and Haig and later Weinberger got away with by depositing their papers in the Library of Congress. You understand, first of all, that Congress was able to get most of the Nixon stuff sealed off and kept from people. We have extensive files from Haldeman, Ehrlichman, John Dean, and others in the Nixon administration, but we don't have very much extensive on Kissinger and extraordinarily little about Alexander Haig. Well, did you know, as Scott told you, they put their papers in the Library of Congress, papers that were generated under their duties as public servants, and got the government of the United States to pay for the cost of processing and warehousing those materials. (Processing those materials, I can assure you, is a very, very expensive proposition.) And there they sit in the Library of Congress. Henry Kissinger and his aides have absolute access to them. Henry Kissinger and Alexander Haig have made millions of dollars off their memoirs. And in pursuit of historical truth, we are forbidden to use them. Now, I've always regretted that the Reporters Committee failed to liberate those materials. I mean, I think the agreement is perfectly legal, as it turns out. I've gone through this with one of my former students, who is pretty high up in the management division, and he's persuaded me that there's not much anyone can do about this now. But if Kissinger is really interested in defending himself, well, how about putting it all out on the record and letting us see it.

In conclusion, I want to say a word about Vietnam policy. I think, of all these subjects, this is the one that still has the greatest allure to us. It's still an extraordinarily seductive question. There's been some wonderful work done on this subject. There's an interesting book by a young man named Jeffrey P. Kimball called Nixon's Vietnam War. There's a book coming out this summer by Larry Berman on Kissinger and Vietnam. Mr. Berman

has had access to the transcripts of the negotiations between Kissinger and Le Duc Tho. You might find that Le Duc Tho's frustration and anger with Kissinger make him a rather attractive character.

.APHAM: How does he get access without ...?

UTLER: Well, I don't know exactly. But the quotes are there. I haven't read the footnotes that extensively yet. I just got the manuscript. But what is now clear to us is, despite Nixon's very vague talk in 1968 about doing something to end the war, until late 1970 Kissinger and Nixon were convinced they could win that war. But in late 1970, Nixon becomes concerned because of the domestic situation in the United States. Yet he's got this hang-up about honor. He doesn't want to be the first president to lose a war. (I thought James Madison was the first one to lose a war.) Suddenly he's concerned about his reputation. He talks in late '70 with Kissinger about withdrawing all remaining U.S. ground forces except those who could be considered residual. I'm not sure exactly what that means. But he would compensate for that step and also apply pressure on Hanoi by canceling negotiations, issuing an ultimatum, and massively bombing, mining, and blockading North Vietnam. Now, Kissinger argued against that policy. He considered it kind of a bug-out, meaning that a pullout by the end of 1971 would leave them incapable of dealing with setbacks in South Vietnam during the upcoming 1972 presidential election. It would be better, therefore, he said, to continue with negotiations, which on a certain level were a sham, and extend the timing of troop withdrawals until the end of 1972. And I must quote him precisely here from one of the tape transcripts: "So that we won't have to deliver, finally, until after the elections." Yeah, peace was at hand after the elections. That's the point. Now, is he indictable by his own words? It's not very good for his historical reputation, that's for sure.

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## Regarding Henry Kissinger

LFRED RUBIN: I'm tempted to respond to everybody, but I'm not going to. Instead I'm going to just give some legal outlines. I might mention, by the way, I knew Bud Zumwalt 35 years ago and haven't seen him since.

First of all, the U.S. Constitution does not give authority to the Secretary of State, it gives authority to the President, to the Congress and to the courts. The remedy for evil is therefore impeachment, and impeachment applies not only to Presidents, but it can also apply to Congressmen and to the members of the courts. Another remedy in the moral sphere, and one that's probably essential, is exposure. And that's a responsibility of the press—a responsibility, I'm afraid, that the press has not borne terribly well, with the exception, I suppose, of Christopher and some others. If the available remedies are not applied, society is weakened. We have, for example, a failure to pay our United Nations dues. It's positive law obligation. There's no question that we owe over a billion dollars in dues. Now, the press has been talking about Senator Helms being willing to approve something over half a billion dollars, as if that were a great achievement. We owe over a billion. Half a billion is not a billion. At the same time, we argue that the U.N. should pursue various activities that it cannot pursue without money. We argued before the International Court of Justice many years ago that France and Russia owed money for a peacekeeping operation in the Congo. I happen to have been in government at the time and I said we shouldn't be doing this because it might come back against us. Well, by golly, it has come back against us.

Similar things go on today. The NATO operation in Kosovo, for example, is viewed as an illegal operation by the United Nations. There's no secret about that. The operation was clearly illegal under the U.N. Charter. The U.N. Charter is a treaty, a positive law obligation of the United States. We have done nothing in the press to publicize the illegality of that operation. The result has been not a successful operation, but the handing over of Kosovo to a group of people who have difficulty administering the country. We see atrocities against Serbs, as there have been Serbian atrocities against Kosovar Albanians. And frankly, in my own experience atrocities are not limited to one side or another; there are right-wing nuts

and there are left-wing nuts and there are a lot of innocent folks in the middle who get hurt by both sides.

Secondly, international law does not involve personal crimes. I know that a lot of international lawyers disagree with that statement, and I'm prepared to take them all on. (I have, in a number of articles.) There is simply no-I repeat, no evidence in the usual logic of international lawyers to support the notion of an international criminal court other than the positive law document concluded in Rome in 1998.

Victor's justice, as in Nuremberg, applied our version of international law to the defeated enemy. It did not apply our version of international law to our own people who admitted war crimes. There is documented evidence of this. For example, the note was passed to the court during the trial of the commander-in-chief of the German navy, Admiral Doenitz, saying it was a war crime for him personally to be involved in the unrestricted submarine warfare decree that Germany had made. Admiral Nimitz submitted a letter saying that under orders from Washington, he had issued an identical decree on December 7, 1941. As far as I know Admiral Nimitz has never been tried for the crime for which Doenitz was convicted. He was never even hauled before a domestic tribunal. In fact, if I remember correctly he was given a ticker tape parade.

The notion that an international criminal court will work, therefore, assumes that we are prepared to have our people tried for the same things that we say others violate international law by doing. It has never, never happened except in victor's justice courts. Never-I repeat, never.

There are all sorts of reciprocal operations about which we purport to get upset from time to time. For example, in the last election there was a big fuss made about Chinese paying the Democratic party for helping support its campaign. And yet I saw not a mention in the press of the things that Christopher talks about, the United States paying various folks in Greece, Portugal, Indonesia, and elsewhere, to affect their local elections. Obviously, the things that we do come back to haunt us. We fuss about them when they're against the perceived interest of these who are fussing, we do not fuss about them when those people neglect the rules of reciprocity.

Thirdly, I would emphasize that immorality is not illegality, and illegality is not personal criminal liability. The word "justice" is not a word in the legal order, it's a word in the moral order. Aristotle wrote a book about it actually, Nicomachean Ethics. Ethics is the Greek word that's equivalent to mores in Latin, which is frequently translated practices or justice, morality. Aristotle wrote that there are at least three different kinds of justice: commutative justice, distributive justice, rectificatory justice. He

didn't mention retributive justice. There are many other categories of justice-probably a dozen or more. So when we speak of justice, it behooves us to understand what we're talking about. Some people will never be satisfied that justice is done until the world is emptied of everyone but themselves and their family or their tribe. Otherwise everything is self defense, including the actions by the United States in Vietnam and elsewhere, and including the actions by Vietnamese or Usama Bin Laden against the United States.

These are regarded as divine-law decrees in the interest of justice as defined by the people who blasphemously attribute to God their own interests. I say it's blasphemous because by all religions that I know of, including the Muslim religion, it is blasphemous to presume to know the will of God. And yet we're surrounded by people who claim to know that will.

I'd say before going on that I know I'm fallible because I'm a younger brother. I knew when I was three years old that my big brother, who was six years old, was infallible, and he made it quite clear that I was fallible. (That fallibility evolves over time, of course, and when you're 14 your parents become fallible and you become infallible. By the time you're 20 they've learned a great deal.) From this knowledge flows two corollaries. First, if I'm fallible, it's likely that you are too. Second, even if you can convince me that you're infallible, I might be wrong because I'm fallible and therefore I would never accept the word of Jerry Falwell, or Henry Kissinger, or anybody else about anything, whether or not I can check the primary sources, because I'm fallible.

The moral remedy, therefore, for these moral derelicts, for the lack of perceived justice, is not a criminal trial. The moral remedy is shunning somebody. It's exposure. Exposure has been the role of the press or the media in the United States, and it has failed. Mr. Kissinger is getting, as I understand it, about \$30,000 per speech. Who's paying him? Has there been no fuss about the people who are paying him? Why is there not an outcry of those whose moral level is so poor that they pay Kissinger \$30,000 for an appearance?

Other remedies are truth-and-reconciliation commissions. There's been no talk that I know of in the United States of a truth commission. Exposure is the job of the press. I would argue that not only is concealing the primary evidence in the Library of Congress or elsewhere legal, but in criminal actions in the United States we have a privilege against self-incrimination. It seems to me that that privilege against self-incrimination indicates among other things the weakness of applying criminal law remedies, even domestic criminal law remedies, where they might exist in these matters. These are political faults. These are things that demand exposure. If

democracy is to work they must be exposed. They were not being fully exposed until Christopher began his articles, except in the extreme left-wing press that nobody reads. It seems to me that there are remedies available and I wish people would go to them more often. Thank you.

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F O R U M

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## Regarding Henry Kissinger

ROGER MORRIS: I suppose I have the dubious distinction here of being the only member of the panel who's actually worked for a war criminal. I want to respond briefly to some of the comments that were made earlier. Christopher's quite right, I think, that the collusion with the South Vietnamese regime prior to Mr. Nixon's first election was a great Constitutional crime. There is, of course, no enduring honor among Constitutional scoundrels.

Within three months, I know personally, Christopher, the United States government was contemplating the assassination of General Ky, because he proved to be, as you know, rather recalcitrant from time to time about American diplomacy and policy in Vietnam. So the collusion, the cooperation, the collaboration, including covert money from the South Vietnamese as well as from the Greeks and others was of a very short

duration.

In the early days of the Nixon administration, Stanley, there was indeed a serious effort to negotiate a peace in Vietnam. Tony Lake and I were personally involved working for Kissinger in the first covert peace talks, in Paris. (Covert in the sense that they were unknown even to the Secretary of State or the Secretary of Defense, anyone else outside the White House.) In conducting these negotiations, we took elaborate precautions to avoid surveillance, not by the Soviets or the Chinese or any other power, but by the American government.

And there was on the table in the early spring of 1970 a negotiated withdrawal of all American forces by the end of 1970. That was interrupted by the dementia, not, alas of Henry Kissinger, but of the man he worked for, Richard Nixon, and the ensuing Cambodian invasion. And you know the sequel, several thousand Americans died in the years that followed as a result.

I wanted to say too, Stanley, that if these transcripts are revealing, please be cautious. One of Tony Lake's and my assignments after each of the sessions in Paris with Le Duc Tho was to doctor the transcripts so that Henry would look good for posterity. There was a deliberate and conscious and very elaborate falsification of the record, including the insertion sometimes of humorous and erudite remarks that had not, in fact, been made at the table, but which we thought would serve historians well when they came to judge Henry's statesmanship as well as his humor-which of course was, I think, almost as important as his diplomatic achievements. I remember quite vividly, in fact, spending a good deal of time writing speeches and trying to concoct jokes for appearances in this very building, in which he was, as you must remember, the darling of the American press.

This war criminal we now meet to excoriate and to expose was the preeminent celebrity of the Nixon years. Not only because he was successful and not only because he was charming at briefings, but because he trafficked in that most wonderful of all Washington commodities-the selective leak. He was the greatest leaker, I think, in the history of American politics-foreign or domestic-and it was not by accident that he was appreciated by those to whom he leaked. He made careers possible, salaries larger, and reputations more enduring.

I suspect we shall never know all his transgressions in foreign policy. And we shall never know his machinations with the Washington press corps or on the Hill, which were, believe me, equally impressive. He spent most of his time cultivating that audience, not plotting against Allende or propagating genocide in Bangladesh, but making sure that Joe Craft and

the Times and the Post and all the others were well fed and nourished.

In a final comment about my colleagues here, I must say that it's quite true that John Mitchell and Richard Nixon and others were held accountable in some way, but my goodness, we must remember that no American political figure has ever gone to jail for an act of foreign policy of any dimension. Richard Nixon was not driven from office because he bombed Cambodia, but because he violated other canons of the elite. It was not the savaging of a country from 30,000 feet with utter impunity, it really involved other crimes, other transgressions. John Mitchell did not go to jail, Haldeman did not go to jail, Ehrlichman did not go to jail for acts of foreign policy in which, of course, they were all complicit.

That brings me to just two or three brief remarks about Christopher's absolutely wonderful work. And I agree with Alfred that exposure is everything. We haven't begun to have it yet in America in either domestic or foreign policy. We are really still very much in the dark.

I would just remind you that though Henry Kissinger's culpability is quite clear, he was never alone. He could not have conducted this savage, heedless, criminal foreign policy by himself. He was surrounded by Kissinger's Kissingers. And they were men who profited personally, materially, in career terms, in terms of reputation, in terms of power, almost as much as he. Only a few of the names you know, Alexander Haig—we have here a catalog of future secretaries of state—Alexander Haig and Larry Eagleburger and future national security advisor Brent Scowcroft, the list goes on. You must understand, of course, that their proteges populate the new administration. There is a direct genealogical line between Henry Kissinger and the national security apparatus, as it were, of George W. Bush. Henry's transgressions would not have been possible without the active intellectual and substantive support of his aides.

Ed Corey was an old journalist who had been burned in career terms in Eastern Europe after World War II. He was haunted by the Communist menace. His cables from Santiago, his characterization of Allende and his regime, his portrayal of that election campaign had a great deal to do with the mania that then overtook the White House. And Henry's orders did not go into the ether, they were executed and carried out and supported and often enthusiastically backed by an entire bureaucracy in the Department of State and the Central Intelligence Agency and the Pentagon. Please don't assume that war criminals are lone rangers. Despite Henry's characterization of himself as that, he was never a lone ranger. He was the commandant of a willing and eager army. And they are men who have equally escaped any accountability, even the kind of exposure we're trying to give Kissinger here today. And they all went on,

not only to new power, but also to wonderful lives of respect and sinecure and pensions and academic postings et cetera, et cetera, et cetera. Henry's not the only one who has been honored by our culture. His men were as well. And many of them are still alive.

I must just say that it strikes me as very encouraging that you have come in such numbers this morning. I'm not generally optimistic about the issue of accountability in American foreign policy. I think, to paraphrase one of Lewis' wonderful books, there is no area in which there is a greater wish for kings in American life than in the conduct of our foreign relations. Henry Kissinger reflected then, as I think his successors have reflected, the overwhelming urges and prejudices of the American people. The racism that was reflected in our policy in Southeast Asia was a racism deeply embedded in American society. Henry was not an aberration. He was a kid from George Washington High in the Bronx and, I need not remind you, Harvard. And he reflected the values and the often unspoken inner ethic of our most revered institutions. He got away with it, not because he was some sly magician or some skillful manipulator, but because he reflected so often what so many of his peers in the press, in Congress, in the Executive branch, in the bureaucracy, in the political world, in the intellectual world, in academia felt. In his savagery toward the outside world, his heedlessness, his imperial mentality, he was quintessentially reflective of very powerful strains in American life, and we must not forget that. He was not apart from the main. And though we now single him out for responsibility, the responsibility, of course, ultimately is ours. Thanks.

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F O R U M



## Regarding Henry Kissinger

APHAM: Christopher, a closing word or a comment on each of the remarks and then we can turn it over to questions.

ITCHENS: Well, I'm just delighted that the other panelists have so much materialized the way in which-how shall we put it, Harper's plays for very high stakes. We're not just talking about justice, in other words, today, ladies and gentlemen, but also about freedom of information and the historical record. Therefore, in seeking to clarify a case against a successful example of the criminal type in politics and to say that's a reproach to what we think of as the prevailing standards, we also demand that the record become open and that the historical record be inspected because it belongs to us. It's been annexed, chunks of it have been sawn off and made into private property and converted for private use with appalling distortions. I'll give you one example only. The word Timor, T-i-m-o-r, significant of a country in Asia, a whole country and society and culture utterly devastated by Henry Kissinger's attentions, does not appear in his own memoirs, out of which he's made a fortune and which he qualified himself to write by having been secretary of state. But it's up to him what is and isn't going to be included in that record. This is a fantastic abuse, not just of the free information process, but also of the historical record itself, and it demands redress.

I'm also very glad that Roger turned up the fire a little under my own profession. It's appalling to me that Henry Kissinger should appear in the mass media, not as-I don't insist he appear in an orange jumpsuit at all times, though, well, I'll step lightly over that-a subject of scrutiny, but more often as a independent and objective commentator.

In other words, his opinion and advice are sought as if they were mutual by people such as Ted Koppel and Jim Lehrer, by The Los Angeles Times op ed page and the op ed page of our own hometown rag, The Washington Post, which had to be written to, I think, perhaps 50 times by groups of congressmen and others before it would identify Mr. Kissinger as other than a former secretary of state when he was writing about business relations with China, in which he had a direct interest. That it took a long time to get The Washington Post to add a tag line noting that the author of a certain piece has an interest in the outcome of the

argument is a great cause for reproach in our profession.

And, finally, since we may as well leave no one standing while we're about it, implied in everything I've written is a rebuke to the fantastically complacent and overfed community, the American human rights set. I believe if you live in New York or Washington and you are a member of any sort of committee on human rights, you probably need never dine alone. Almost every night of the week someone is giving another member of this community a human rights award for their brave work on, as it might be, Sri Lanka or the Taliban. And only the other day I saw Aryeh Neier, who must be the absolute czar and pope of this community, writing a long and thoughtful ruminative piece, grazing on the lower slopes of international morality, in the New York Review of Books. The question before him was, How should we deal with the monsters of this world? What, for example, to do to bring Slobodan Milosevic to justice? And yet not a word about the man who sits within a few blocks of where he was writing and who is the proper object of his attentions. And until this relationship can be brought into a finer alignment, it seems to me, a mockery is made of all the customary standards by which our press and human rights and freedom of information and historical truth seminars are carried on. Well, thank you anyway. Thanks.

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F O R U M

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**Regarding Henry Kissinger**

APHAM: We have questions. We have about a half-hour. Please direct a question at the panelist you feel is best suited to answer it.

L MILIKEN: My question is for anyone who has, in recent months, followed the United States government's dealings with the massacre of civilians during the Korean War. And does anyone see a correlation between how they've been dealing with that situation and how they're dealing with what you've uncovered about Henry Kissinger and his associates?

APHAM: Well, I think Roger Morris might answer that, because that goes to what kind of a country we are. I mean, that's the question you raised, that Kissinger is not acting alone, and that ...

ITCHENS: You're alluding to the No Gun Ri investigation? Yes.

MORRIS: Let me just say, I was in the White House on the National Security Council staff when the first really serious evidence of the My Lai massacre was presented to the administration. And like all these matters, it was not viewed, I'm afraid, in moral or legal terms. It was not even viewed in diplomatic terms for what it might mean in the conduct of the war in Southeast Asia. Rather, it was viewed as a domestic political problem. And even then, not as a problem involving so much the American people as the President's relationship with the American military, which was spying on him quite actively even as he was contemplating what to do about the massacre.

It's important to remember that this government is a court of the Borgias and has been for some time, and I suspect will remain so. And these are not matters that can be dealt with in camera in any responsible way. The only hope is to deal with them in the open, and that comes back to you, of course--to the press. I think the Hill is hopeless, and so the only real chance at accountability is exposure. And that's coercion, that's forcing them to do something against all of their instincts and against their will.

But the handling of the Korean massacre is just exactly characteristic, it seems to me.

APHAM: Let's get a question from the gentleman about to get the microphone.

UNIDENTIFIED MAN: I wonder if one of you will discuss the issue of sovereign immunity. That is really what we're talking about, so there's a

subtext here that probably needs some legal discussion . . .

APHAM: First of all?

UNIDENTIFIED WOMAN: Roger Morris, we've had 20 years of exposure and disclosure about Henry Kissinger. Walter Isaacson, Seymour Hersch, the Church Committee, haven't made the slightest bit of difference in his reputation, in his life. Would you comment on that? Why didn't it take?

MORRIS: Mary, I remember you and I tried this even when I was still working for the administration, if you'll recall? It doesn't take, I think, because it's not of sufficient shock value. I don't think we've ever really gotten close to the heart of the matter, as Christopher has gotten in these two pieces. I think there's been a lot of surface smut, but I don't think we've really put it all together the way Hitchens has in these two articles. And I think, quite frankly, that this is an incremental process. I think the education of the American people is a very slow and agonizing business, especially in foreign affairs. And we benefit, in part, from the trail of scandal and disgrace and dishonor by other politicians who followed Kissinger.

We are now much more sophisticated, it seems to me, about our domestic order and about our conduct in the world. And it doesn't seem hopeless that we would come at some point to a reckoning. So I don't count the failure of previous exposure or disclosure as all that decisive. I think it is incremental and I think we need a great deal more.

APHAM: Could we have Mr. Rubin on that question, because this is about exposure and this is your remedy.

RUBIN: Let me answer two questions then. First, with regard to exposure, the U.S. has been notoriously two-faced about it. For example, we argued for command responsibility in the so-called Yamashita case after World War II, where an American military commission held that Admiral Yamashita had violated international law by not controlling the troops that were under his command in Manila. But we acquitted Captain Medina after the My Lai massacre under a charge that was totally inconsistent with the earlier Yamashita case.

We tend not to try our own people for doing the things that we blame others for doing. The same thing is going on in the No Gun Ri case. We understand why our people, to save their own lives, shot a lot of innocent civilians. We don't understand why the other side might shoot a lot of innocent civilians. As far as sovereign immunity is concerned, the American courts have been notoriously confused about it, and the reasons go way back. You may remember that in the American Journal of

International Law this was discussed in 1975 or '76 before the Foreign Sovereign Immunities Act was passed. It's the only edition of the proceedings of the American Society of International Law in which those who spoke from the floor are not identified by name. The reason for that is fairly clear-it's not admitted by the people who were running the thing at the time, but the reason's clear. Those who spoke against the act were people like Myers McDougal of Yale, Mike Cardozo, myself. Not that that matters very much, but anyhow there were a number of people who spoke against the act, saying it wouldn't work the way it was planned, but Monroe Leigh was behind it and he was the legal advisor, and that was that.

There are two problems in sovereign immunity. First of all, the sovereignty is to states and not to individuals. The Foreign Sovereign Immunity Act, in effect, says that when the foreign sovereign acts in a commercial capacity, he can be sued as if he's an ordinary corporation. That's fairly clear. Every corporation in the United States, after all, is a result of an act of some legislature or some executive branch submitting appropriate documents. Even if you're DuPont in Delaware, you owe your legal existence to some legal act by somebody empowered to act in that way. Therefore, all corporations in the United States are, in effect, branches of the sovereign in that they are licensed by the sovereign to be an individual person. Whether Amtorg, the former USSR trading corporation, or ICI, the British Imperial Chemical Industries, these are the same category.

We say that U.S. courts should apply a rule of whether an act is a commercial act or a sovereign act. And the U.S. Supreme Court has split notoriously on delicate cases. In fact, the two leading cases split, believe it or not, three to one to one to four in one of the cases, where three plus one plus one made the five-man majority. So the three-man minority wrote the majority opinion, in effect, even though only three concurred in it. And the other one was four to one to four a year later, in which the one made one of the four into five and was clearly absurd. It said, this act is certainly a commercial act when, in fact, had the case been tried in the country involved, there's no question that there would have been no recovery. So it was clearly an illegal act, which is a sovereign act.

The Supreme Court has not heard a serious sovereign immunity case, other than an Argentine case, where it held nine to nothing that a particular act was not entitled to sovereign immunity alone, which was clearly in contradiction to a Nicaraguan case totally, exactly the opposite a couple of years before. Why the court ruled nine to nothing in that particular case, I don't know. I presume the parties had negotiated out of court and the newspapers never picked it up. As far as I know, therefore, the U.S. Supreme Court has never made up its mind on sovereign

immunity, and won't hear a case; or if it does, will come down five to four or six to three again. Nobody will know what the proper answer is, and that means that if you've got a case against a foreign sovereign, you're likely to settle out of court rather than waste money on lawyers to get a decision that won't be meaningful. That has to be distinguished from the choice-of-law situation. Once a case is before the court, the American courts will try to decide what body of law applies to govern the case. In a civil case, it's been fairly clear since 1834, since Joseph Story wrote the book on the subject, that there is a choice of law involved-that there are some cases where we will apply Cuban law or Argentine law or what have you. We abandoned that in the so-called Felipe Ortega case, where we applied what we call international law to the acts of a foreign individual. Now sovereign immunity had nothing to do with the case. It was a choice-of-law decision and it went, peculiarly enough, under the alien tort claims provision of the Judicature Act of 1789, which, in fact, if you read it carefully, makes no sense at all, none. If you read it with any knowledge of the history-for example, noting that international is not identical with the law of nations of 1789, noting that for 150 years after Story wrote his book there has been no case under the Foreign Sovereign Immunities Act.

The reasons are absolutely clear. The constitutional provision changed its meaning. International law is not the same as the law of nations. Therefore, I find that sovereign immunity would be no defense to Kissinger. But the choice-of-law problem would apply and the question would be, what law applies? Is it American law, in which case he's not guilty of anything, we're all guilty. Or is it international law, in which case it seems to me he gets off free because international law has never, except in a victor's tribunal, held a person to be a criminal at international law? And I wrote a book on piracy at one time where I looked at all piracy precedence. The arguments that you hear from human rights lawyers are just not true. Piracy is not the paradigmatic defense, it's a municipal law defense, always has been, always, as far as I can see, will be.

.UTLER: I just want to respond to Mary's question here. Indeed, it is a bit of a mystery how there are these critical things that are said and done about Mr. Kissinger. His reputation remains really rather high. But I would distinguish for you between your world and another world. I suppose these days we call it spin control. Roger Morris used a wonderful word before, speaking of Henry Kissinger's imaginations. I think that this is a full-time enterprise on his part. You remember when he was in government, there were reporters who would follow him around and make good money writing books about him and about his diplomacy? Those were "as told to me by Henry Kissinger" books. There was no digging into sources, no wide-range of anything rivaling scholarship and

so forth. And what fascinates me about Hitchens' work is that he has done what is often not done in that world. He has looked at a multiplicity of sources. He's looked at archival primary documents. It would have been very, very easy to write about Henry Kissinger and his policies by just asking for an interview and letting Henry Kissinger tell you what happened, which is what usually does result from these kinds of works.

As you see, Christopher did try to interview Mr. Kissinger, but to no avail. Who knows, had Kissinger agreed, maybe he could have found Christopher a little soft in the head and converted him. I doubt that, but he might have. But there's a question here of the responsibility of the media, the people who report these things. They want access. You don't certainly think that somebody like Ted Koppel is going to be that critical of Kissinger. He wants him on his program. He's got star appeal, so to speak. But that's what I mean, I think it's a question of preserving one's access and sources, so there's a reluctance to be critical here. There is, as you correctly pointed out, some criticism, but it hasn't stood much of a chance against all this other stuff.

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F O R U M

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**Regarding Henry Kissinger**

UNIDENTIFIED MAN #2: Having plowed through this very formidable body of work, I'd like to ask Christopher if he could clarify one particular point for me on which I'm still not clear. How do we define and trace the precise distinction between an utterly ruthless, rare political act carried out by great powers for many, many generations and a personal, indictable responsibility for an act of international crime. And I'm still a little bit unclear about whether there is a border between those two in your thinking or whether this is in a sense indictment number one in a whole litany of potential indictments that can then go on to include, for example, Margaret Thatcher over the sinking of the Belgrano, the late Leonid Brezhnev over Soviet behavior in Afghanistan, and so on. Are you arguing that there is something about the Kissinger record that is unique and wicked beyond the ordinary wickedness of super powers?

HITCHENS: Oh, I'm so sorry. You should have said before. Well, as Mary said a few minutes ago, think of how many times Kissinger's been exposed by Sy Hersch or the Church Committee or Walter Isaacson. So the Church Committee and Walter Isaacson both examined the case of General Schneider, the one with which I opened my bid today, and concluded that Kissinger hadn't had him killed, right? A fantastic conclusion from the evidence available to them, even then. They said it probably was a kidnapping that was botched. Absolutely not true. Every stage of it now can be demonstrated. And now I think it's only really with the final disclosures that arose from the Hinchley Amendment last year, which forced the CIA to disclose fully what it had done in Chile. We've only known since about November about the giving of \$35,000, which is a lot of money in 1971 prices, to the people who'd killed Schneider after they'd finished the job, OK? Not the sort of sum that could be disbursed, I think, by a local station chief either.

HITCHENS: Probably involving the knowledge of someone chairing the 40 Committee, I would think. But once you've established that money was paid to the murderers after the murder's been done, then all the stuff in Isaacson and the Church Commission is sure to be nonsense and a euphemism. Because once that final bit is in place, all the A words kick in: aiding, abetting, accessory, accomplice. And that's a murder case. And there's no law, as far as I know, that allows someone to say, "Well, OK, I did have this guy who'd never done anything to me or to anyone else killed in another country. But I did it because the president told me to." If that can be entered as a defense, I would like to see it entered as a defense. But first somebody has to say you can't do that. I would just as soon hear them say-and take Professor Rubin's rather pessimistic but very forensic line on this-very well then, let us have it said that that is legal as long as you are an American. Let's have that clarified, too. What one cannot go on doing is living in this semi-opaque world of multiple

standards, if standards they may be called.

Now to your question, Is there anything unique about the good doctor and would it be the case that if we were to go after him we'd have to go after everyone else in history as well? I'm one of those who's completely fascinated with the question of why most school productions of Henry V leave out the bit where Shakespeare puts in King Henry's massacre of the French prisoners at Agincourt. And should this case not be re-opened, and should we now not rather view King Henry V in the light of a war criminal? I'm all for that. I love these kinds of arguments. But, I also have a maxim permanently in my head in these matters. Don't make the best of the enemy of the good, OK? In the case of Kissinger we have someone who's still around, very much in our midst, and we have all the evidence about the crimes that he committed in a series of countries, making it look as if aberrations couldn't form a defense, say in the matter of Vietnam or Cambodia or Chile or Laos or Bangladesh or Cyprus or East Timor. Because after a bit it stops looking like coincidence, OK?

I was going to call this "Henry: Portrait of a Serial Killer," but then I thought that might be offensive to some potential readers, so we called it "War Criminal" instead. But here we have such a test case in the making, and here we have international law and customary law involved somewhat with the arrest of Pinochet and the warrant for Milosevic. And we know (I have the tape, and it's in the Harper's piece) that Mr. Kissinger is smarter than we are. He knows he could be in legal jeopardy for the Schneider business. He knows he could be the subject of an alien tort claims suit brought by Chilean relatives. He knows he has to be careful where he travels. I make a little holiday in my heart every time I hear this. He's told various associates that he's not sure he can go to Europe anymore. He's only welcome in certain rather grungy salons in New York these days. It's not punishment enough in my view. I think we should proceed further with it. So that's my answer to that.

UBIN: Can I say something to that? Under the extradition laws of the United States, we do not have any exception for American nationals. Unlike Chile, where we said they had an obligation to extradite, or Libya, where there's no extradition treaty, the U.S. has extradition treaties with many countries, including Spain, and we do not except American nationals from their operation. Therefore, if any Latin American-well, I don't know about Latin American countries, but if any countries in Europe or elsewhere would like to extradite Henry Kissinger, they can bring a case right now in an American court, and I'll bet you that Henry Kissinger knows all about that.

APHAM: I would think one of the things that's unique about Kissinger is how small the stakes are. I mean, it's usually about his own career. He's

prepared--as opposed to the ruthless real politik, which is for reasons of the state or has a larger purpose. And with most of Kissinger's actions, it's about his personal advancement, and that strikes me as fairly unique.

IDENTIFIED WOMAN #2: Another question for Christopher Hitchens. As you know, there's some effort now to bring Pinochet to trial, and he was released by the British, as we all know. And it calls to mind Tom Hauser's book on the execution of Charles Horman, where Horman's father said that the reason the United States wouldn't allow Chile to be blamed was that Chile would turn around and point the finger at Kissinger or at the United States. Do you think that the release of former President Pinochet from England and the fact that he may now be described as unfit to stand trial, is an effort to protect those in this country who, one could say, created Pinochet, or certainly subsidized him? And is it also possible that Kissinger is being spared because, as you say, he could turn it around and say, "The President gave me orders." It's a fairly complex question, but I know you can get to the core of it.

HITCHENS: But I think I understand the groundwork of the question. There are two things: one is that Kissinger's suborning of murder in Chile helps bring to power a government there which repays the United States, so to speak--if we can confuse the United States and Henry Kissinger for a second, which I admit is an obscenity, but just for the vernacular purposes--repays the United States in the same coin by setting off a car bomb a few hundred yards from here at rush hour, which kills Orlando Letelier, our late and great comrade, and his American citizen friend and driver, Ronni Moffitt. That's still illegal in the United States, by the way. You can't set off car bombs at rush hour in downtown Washington, D.C., especially not if there's an American citizen being killed. There's no law that says you can do that.

And gradually--and Scott knows more about this case than anyone--we have, again, another lay-down case. We know exactly how that murder was commissioned and authored and carried out and paid for. And it leads right back to Pinochet. And it's still possible, if not probable, that a U.S. indictment will have to be made of the good general who was Henry Kissinger's client. So it goes around, it comes around. These two skeins of investigation also do touch upon the material that he has tried to sequester in the Library of Congress. So I think he feels these threads slightly tightening around his pudgy neck and--and I think that he should feel so. And I was very intrigued to see a statement that was carried by the German Press Agency and just given to me yesterday of a press conference in Barcelona of some of the Chilean and Spanish magistrates who've been involved in the attempt to bring death squads within the reach of international law, saying that they want to proceed with the Pinochet case and extend it to Henry Kissinger. It's the logical next step,

because Pinochet as a torturer and assassin and author of disappearances and kidnappings and murders and so on was, after all, not acting on his own. He was acting as the instrument of a certain policy by a certain super power, the threads of which ran through a certain fist. So, yes, the skein is tightening.

.APHAM: Do we have another question?

UNIDENTIFIED MAN #3: Mr. Morris, I'm from the Mexican News Agency. My question is about Chile, too. When a Latin American journalist goes to the State Department or the White House to ask questions about the documents that have been released in the case of Mr. Pinochet and the involvement of Mr. Henry Kissinger, the answer is always that they don't want to put national security at risk. Is it really a risk of the national security of the United States to give names or remove those black ink marks over the lines of those documents, or is it just a matter of trying to defend personalities such as Mr. Henry Kissinger?

MORRIS: In my experience very, very few the redacted documents that are withheld from the American public or Congress or from history concern genuine matters of national security. It would be hard to estimate, but I would say 90 to 95 percent of the secrets kept by the American government are secrets of expedience and political convenience, usually attendant on the administration in power, but sometimes on the reputations of people who are still powerful, such as Henry Kissinger, so that his successors would in their own interest, of course, and as a part of the club mentality that obtains here, try to prevent the release of incriminating documents.

MORRIS: This is, as a famous governor of ours in New Mexico once said, "a whole box full of Pandoras." Once you start opening this box, culpability, as I said earlier, does not stop with Henry Kissinger. The foreign policy establishment, and by a larger extension the American political establishment, has a very great stake in the maintenance of these secrets. And Henry's secrets, as Christopher begins to suggest, curl far beyond murder and mayhem and genocide and great crimes of state. They curl back to corporate and other collusions that are with us even today. Ultimately, what's at stake here is not the national security, but national profit. And a good deal of money was made. The foundation for the current oligarchy that prevails in American policy today-foreign and domestic-was laid during the Nixon years. So these are very momentous matters, but don't let anybody tell you that it's authentic national security. That's nonsense. This is self-protection. But until we change our methods of governance, you're stuck with it.

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