

Pentagon's Law of War Manual Justifies War Crimes and Press Censorship

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Global Research, August 11, 2015
[World Socialist Web Site](#)

Region: [USA](#)

Theme: [Crimes against Humanity](#), [Law and Justice](#), [US NATO War Agenda](#)

The lead editorial Monday in the New York Times has brought to the attention of the general public the Pentagon's issuance of a major new document defining rules of conduct on the battlefield for US military personnel and their commanders. The [Law of War Manual](#), a massive 1,165-page document, was published in June, but was initially discussed exclusively in blogs specializing in military law and security policy.

The major US newspapers and television networks, which have full-time Pentagon correspondents and regularly review Pentagon press releases, chose to say nothing about the Law of War Manual, for reasons that become obvious when the content of the document is explored. Nor did they comment initially on the manual's provisions for journalists until the Committee for the Protection of Journalists (CPJ) issued a [statement](#) July 31 under the headline, "In times of war, Pentagon reserves right to treat journalists like spies."

The CPJ statement noted the rising number of journalists imprisoned or killed while covering the actions of armed groups in Ukraine, the Middle East and Africa. It attacked the Pentagon document for justifying the treatment of journalists as belligerents or outright spies, who may be detained, imprisoned or even killed at the discretion of battlefield commanders, as well as endorsing blanket military censorship of press reporting.

The CPJ declared,

"The Obama administration's Defense Department appears to have taken the ill-defined practices begun under the Bush administration during the War on Terror and codified them to formally govern the way US military forces treat journalists covering conflicts."

The continuity between administrations is underscored by the identity of the Law of War Manual's principal author, Pentagon General Counsel Stephen W. Preston. Before moving to the Department of Defense, Preston was general counsel of the CIA from 2009 to 2012, the period when the agency was ferociously resisting a Senate Intelligence Committee investigation into torture at CIA secret "black site" prisons under the Bush administration.

The *Times* [editorial](#) complains about the guidelines for treatment of journalists and pleads with the White House to take action to force their immediate repeal. At the same time, it notes that a spokesman for the National Security Council refused even to say whether the White House had signed off on the manual.

The *Times* objects to the manual's claim that "Reporting on military operations can be very similar to collecting intelligence or even spying," and its insistence that journalists must "act openly and with the permission of relevant authorities," a provision that would make impossible virtually any kind of war reporting other than the state propaganda provided by the notorious "embedded journalists" of the 2003 Iraq invasion.

But the editors give no explanation why the news pages of the *Times* have never mentioned the Law of War Manual, or why their concern is limited to the two pages of the manual that apply to journalists and not to the bulk of the document, which amounts to a green light for military atrocities including mass killings.

The *World Socialist Web Site* will examine the 1,165-page Pentagon document more fully in the coming days, but certain preliminary points can be made. The Law of War Manual:

- * Declares legitimate the use of nuclear weapons, stating, "There is no general prohibition in treaty or customary international law on the use of nuclear weapons." Nor is the use of nuclear weapons considered "inherently disproportionate," even if the target is a military force that does not possess nuclear weapons.
- * Authorizes the use of incendiary weapons such as napalm, herbicides (such as Agent Orange in Vietnam), laser weapons and riot control agents (tear gas, pepper spray, etc.), as well as depleted uranium munitions.
- * Authorizes cluster munitions, mines and booby-traps, noting that "the United States is not a Party to the Convention on Cluster Munitions."
- * Authorizes the use of exploding (hollow-point) bullets, stating that the United States government was not a party to the 1868 St. Petersburg declaration banning their use or the 1899 Declaration on Expanding Bullets.
- * Justifies drone missile attacks by both the Pentagon and intelligence agencies such as the CIA, declaring flatly, "There is no prohibition in the law of war on the use of remotely piloted aircraft..."
- * Declares that when human rights treaties and the laws of war come into conflict, "these apparent conflicts may be resolved by the principle that the law of war... is the controlling body of law with regard to the conduct of hostilities."

As pointed out in discussions in specialist journals, the new Law of War Manual redefines the principles set out in the most comprehensive previous such document, issued by the Pentagon in 1956, by declaring that "the main purposes of the law of war are: protecting combatants, noncombatants, and civilians from unnecessary suffering."

The previous document did not include civilians in the concept of "unnecessary suffering," not because it permitted greater violence against civilians, but because it assumed that any such violence was prohibited, and that any deliberate targeting of civilians was illegal and a war crime.

The new document seeks to distinguish between "legitimate" and "illegitimate" acts of military violence against civilian targets, using the criterion of military necessity. Thus, acts of mass slaughter of civilians could be justified if sufficient military advantages were gained by the operations.

It is no surprise that the *New York Times* and the entire American media have been silent on the issuance of the Law of War Manual. They are following orders to conceal from the American people, and from the world's population, the Pentagon's preparations for new and more massive war crimes, along with the destruction of democratic rights spelled out in the US Constitution.

The *Times* separates the Pentagon's rejection of the First Amendment guarantee of press freedom from the eruption of American militarism, which it supports. In fact, the new manual demonstrates the incompatibility of militarism and democracy. The struggle against imperialist war is inseparable from the struggle against dictatorship. They both require the development of an international struggle of the working class against capitalism.

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