

AVOIDING ANOTHER WAR IN NORTH KOREA

During the Korean War, the United States dropped more bombs and napalm on North Korea than was used against the Japanese during World War II. The carpet bombing destroyed all of the cities and most of the villages in North Korea. More than 3,000,000 Korean civilians died in the war—most were in the North. Since the war ended with a cease fire in 1953, the North has been governed by the Kim family dictatorship, which uses the threat of American aggression to maintain its ironfisted physical and mind control of the North Korean people.

President Trump is now threatening another destructive war against the North Korean people and their society. He must not be allowed to do this—there is another way to deal with the problem. As a matter of policy, Trump can redirect his energy and efforts onto the person of Kim Jong-un, the country's dictator, who not only threatens the safety of other nations, but who holds his own people in slavery. Why should the United States make war against a captive nation and its helpless people when there is a more effective solution?

THE FAILURE OF WAR AS AN INSTRUMENT OF PUBLIC POLICY

Making war against nation states and their people no longer works. Unstable and undemocratic countries, such as North Korea, are usually controlled by individuals and cabals against whom military force ends up harming their own domestic victims more than the entrenched leadership. The wrath of the people is directed against the outsiders who

slaughter their children and helps solidify the rule of their domestic despots.

Destroying the infrastructure of a nation to turn its people against their “leadership” fails—as in Iraq—resulting in the deaths of thousands of innocent children. Targeting “insurgents” using drones and violent nighttime home invasions fails—as in Afghanistan—resulting in “collateral” deaths and injuries to children and noncombatants. Imposition of economic sanctions fail—as in Iran—resulting in the destruction of the middle class and small businesses that are essential to a free society. Support of “rebels” against their government fails—as in Libya—when the new government is controlled by hostile and undemocratic forces. Direct military strikes fail to make a difference—as in Syria—for all of these reasons; and the threat of violent war—as in North Korea—is simply stupid against an immature dictator who has nuclear weapons and nothing to lose by using them.

The use of war as an instrument of foreign policy fails in all of these situations because it does not produce the desired change. It primarily injures the innocent victims of their unrepresentative governments and results in their hatred of the aggressors, rather than their oppressors.

In addition, the use of war by the United States also harms its own people through the wasteful diversion of scarce tax resources to the military-industrial complex, the compiling of massive and unsustainable public debt, a reduction of personal freedoms by the intelligence-security complex, and a loss of respect by other people and nations around the world.

Moreover, continued use of aggressive—yet undeclared—wars by the United States has resulted in an undemocratic shift of power from the legislative branch to the executive branch of government. The Constitution provides that “The Congress shall have power . . . To declare War” For the past 50 years, however, American presidents, rather than Congress, have repeatedly unleashed military force against far weaker nations and their people—who do not have the means or ability to fight back, except through acts of terror.

In addition to Afghanistan, Pakistan, Iraq, and Syria, the United States is also currently conducting military operations in Somalia and Yemen. Not only are these wars undeclared by Congress, their extent is largely concealed from the People. Moreover, in “fighting” these wars, the president, as Commander-in-Chief, claims the right to kill and detain “unlawful combatants,” including American citizens, anywhere in the world, without trial.

Americans no longer want to militarily intervene in other countries. A CBS/NYT poll found that 72 percent of Americans are opposed to removing dictators where it can, and a CNN poll found more than six in ten Americans desiring a more “non-interventionist” foreign policy. Part of President Trump's electoral support resulted from his campaign promises to avoid military action in foreign nations. He said the United States should “stay out of Syria and other countries that hate us.”

Yes, there is violence and repression in the world, some of which may threaten the security interests of the United States, and it would be naive to deny it. It is equally foolish,

however, to believe that launching undeclared aggressive wars against nation states and their people can resolve each and every one of these threats. There has to be a better solution, one that is both legal and effective.

AN ALTERNATIVE TO WAR

Let us, for a moment, think “outside the box” about an alternative public policy to deal with these dangerous geopolitical situations—one based on commonsense and the law.

Assuming that the Trump administration can make the case that Kim Jong-un and his regime pose a risk of danger to the People of the United States, shouldn't President Trump present that evidence to Congress and allow it to decide what to do? Rather than an authorization to launch a violent military attack against North Korea—essentially a declaration of war—Congress could pass a resolution along these lines:

"The Congress of the United States declares that Kim Jong-un and his administration of the government of North Korea pose a danger to the United States, and he is hereby declared to be an outlaw. Congress directs the President of the United States to file a legal proceeding against the government of North Korea in the International Court of Justice and to take all necessary and reasonable steps to compel the personal attendance of Kim Jong-un to defend his government and its conduct."

As a member of the United Nations, North Korea is automatically a party of the International Court; however, it must consent to jurisdiction in a specific case. The

congressional resolution would, however, be directed against Kim, personally—as the dictator of North Korea—instead of the people of North Korea. It is narrowly designed to compel him to personally leave North Korea and to accept jurisdiction of the Court on its behalf. As a practical matter, once Kim leaves the country, the chances of his ever returning are very slim.

In many respects, the congressional resolution would act like an arrest warrant in a domestic criminal action. There, a judge finds probable cause for the arrest and directs the police to take the suspect into custody and deliver the defendant for trial. In doing so, the police are authorized to use all necessary and reasonable force to take custody of the accused.

The United Nations Human Rights Committee approved a resolution in 2014 calling for North Korea to be brought before another international tribunal, the International Criminal Court (ICC), on charges of human rights violations. During testimony before the UN Security Council in 2015, the UN High Commissioner for Human Rights asked the Council to refer North Korea to the ICC. Following the recent assassination of Kim's brother, Kim Jong-nam, the UN General Assembly again asked the Security Council to refer the North Korean leadership to the ICC. While a congressional resolution directing President Trump to secure the presence of Kim Jong-un before these international tribunals would be coercive, it would be far less violent than the unleashing of bombs and cruise missiles on the poor North Korean people.

Although the use of reasonable force personally directed against the outlaw dictator to “arrest” him might result in his death, the use of force would not have political assassination as its purpose. To the contrary—much like hostage negotiations by professional police officers—every attempt should be made to obtain his voluntary surrender. Reasonable rewards and incentives might also be offered for his surrender by members of his own government.

The Kim dictatorship dominates the North Korean media and carefully controls the information received by the people. Radios and television sets are preset to North Korean frequencies and must be registered with the authorities. Although there is little access to the Internet, there is a widespread market for USB flash drives which feature South Korean music and movies. It is not difficult to imagine infiltrating and "bombing" the nation with bootleg flash drives and other forms of person-to-person communications reassuring the North Korean people that the United States was renouncing the making of war against them and their nation in favor of rewards and benefits for the arrest and delivery of their dictator. While ordinary North Koreans might not have the ready ability, those most close to the person of Kim Jong-un might be sufficiently encouraged to take action.

SOUNDING THE ALARM

On becoming the Commander-in-Chief of the United States military, President Trump immediately abdicated his command responsibility by empowering the Secretary of Defense and the Central Command to authorize military actions they deem appropriate. Because of the numerous

scandals and dysfunction associated with his political staff, Trump is relying on the military to distract the public from his presidential failures.

Within days of Trump's inauguration, a botched military counterterrorism operation in Yemen resulted in the deaths of 30 civilians, including an eight-year-old American girl. Trump blamed the failure on his generals and the Obama administration, while claiming unfounded successes. Trump's military aggression continued with a massive tomahawk cruise missile attack against a Syrian airbase—which risked war with Russia—and the dropping of the largest conventional bomb in history in Afghanistan. Trump claimed that all of these attacks were successful, but the primary result was to divert attention from his rapidly falling popularity ratings, which are the lowest of all newly-elected presidents.

As Trump is now threatening to go it "alone" on North Korea, his senior policy adviser Stephen Miller has declared “the powers of the president to protect our country are very substantial and will not be questioned.” Secretary of State Rex Tillerson is warning of "catastrophic consequences" of a failure to take action against North Korea and warns that the United States will use military force if necessary. The Chief of the U.S. Pacific Command refuses to rule out an invasion of North Korea, even for the "heck of it," and National Security Adviser H.R. McMaster says America must be prepared for military operations in North Korea.

Claiming "bone spurs" as a young man, Trump dodged military service. Now as America's leading "chicken hawk," he is like a little boy playing with matches as he risks reigniting

the Korean War. Perhaps it matters not to him that millions of North and South Koreans may once again die in the resulting war, but he will also risk the lives of American service members and the economic health of the nation in an entirely avoidable war.

Near the end of World War II, as allied forces discovered the conditions in the German concentration camps, General Eisenhower ordered that local citizens be forced to look inside the camps at the atrocities committed by their Nazi leaders. Following the conviction and execution of these leaders at the Nuremberg trials, the United Nations established the principle that "All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state . . ."

The United States has not formally declared war on another nation since World War II; however, its presidents have repeatedly threatened to use, and have actually used, military force against other states. Truman and Eisenhower had the Korean War; Johnson and Nixon had Vietnam; Reagan invaded tiny Grenada; Bush Sr. invaded Panama and Iraq; Clinton bombed Sudan and Yugoslavia; and Bush Jr. invaded Iraq based on falsified evidence. Obama continued the "war against terrorism," extended it worldwide, and institutionalized the presidential hit list.

President Trump repeatedly expresses his admiration for "strong," yet repressive leaders, including Putin in Russia, Duarte in the Philippines, and Kim Jong-un—whom Trump calls "a pretty smart cookie." Trump sees the world as a

"vicious and brutal place" and imagines himself as the risk-taking, angry, tough, and authoritarian warrior who can win every game. In response to threats in the Middle East, Trump said, "I would bomb the s--- out of them. . . . I'd blow up every single inch, there would be nothing left." Conservative commentator George W. Will described Trump as having "an untrained mind bereft of information and married to stratospheric self-confidence."

More than 53,000 mental health professionals have signed a petition sounding the alarm that Trump "manifests a serious mental illness that renders him psychologically incapable of competently discharging the duties of President of the United States." The petition was started by Dr. John Gartner, who said "Worse than being just a liar or a narcissist" Trump is "paranoid, delusional and [engages in] grandiose thinking."

With the most mentally unstable person ever to occupy the presidency having the most powerful military force in history at his unfettered disposal, Americans must ask themselves whether or not they approve of another war being launched in their name. If not, they must arrive at a solution to avoid their personal complicity with the consequences of their failure to act.

The American People are not powerless; however, they still have, restricted as it has become, the freedom to assemble and protest. They still have the power to contact their congressional representatives and implore them to take legislative action to avoid another war in Korea, and they still have the power to vote out of any office any representative

who does not listen to their voice and respond to their demands. Their vote is the only real power left to the People; however, time is short. With an Army general now serving as the Secretary of Homeland Security, the United States is only one terrorist act away from the imposition of martial law by presidential order, in which all of these remaining rights may be forfeit.