

SYNOPSIS OF MOD TRIBUNAL FINAL REPORT

INTRODUCTION

The senseless slaughter of World War I began with the murder of a single man, a Crown Prince of a European empire whose name no one was particularly familiar with at the time, by a young Bosnian Serb student. Archduke Franz Ferdinand Carl Ludwig Joseph Maria was the presumptive heir to the Austro-Hungarian empire in June 1914.

The murder of the Crown Prince set off a cataclysmic series of events resulting in the deaths of over 20 million people, half of whom were civilians. An additional 20 million people were wounded.

An entire generation of young men from England, France, Russia, Austria, and Germany was lost. National economies were ruined. In economic terms, World War I caused the greatest global depression of the 20th century. Debts by all the major countries, except of course the U.S., haunted the postwar economic world. Unemployment soared. Inflation increased, most dramatically in Germany where hyperinflation raised the price of a loaf of bread to 428 billion marks.

World War I ended a time of economic prosperity. Two decades of international economic insecurity and suffering followed. It is thought that veterans returning home from World War I brought with them the Spanish Flu, which killed almost one million Americans. The war also laid the groundwork for World War II.

Was it simply the murder of the Crown Prince that caused a World War or were other factors at work? Why did the United States get involved in a foreign conflict, particularly when an overwhelming number of Americans were against their country's involvement?

Despite the major opposition by the American people to the war, Congress voted overwhelmingly in favor of it: 373 to 50 in the House of Representatives,

82 to 6 in the Senate. The politicians defied the wishes of the people they were supposed to represent. What happened? Was something else driving their votes?

JP Morgan and Company was one of the largest investment banking firms in the world. JP Morgan himself was the official purchasing agent in the United States for the British government. Similarly, E.I. du Pont Company was the largest chemical firm in America. These two phenomenally wealthy and powerful companies, along with other U.S. manufacturers, including U.S. weapons manufacturers, were closely aligned with President Woodrow Wilson.

Wilson had served on the board of the Mutual Life Insurance Company, a subsidiary of JP Morgan. When World War I began, JP Morgan had given extensive loans to Europe which would be lost if the allies were defeated. Du Pont and other U.S. weapons manufacturers stood to make astronomical profits if the United States entered the war. As J.P. Morgan wrote to Wilson in 1914, "The war should be a tremendous opportunity for America." In business terms, there were significant profit motives driving U.S. involvement in World War I.

When the war concluded and the dead and wounded were counted, suspicions grew in the United States that nefarious business interests had propelled the U.S.' involvement into the great slaughter. Investigative reporting and congressional hearings were initiated.

In 1934 a book written by Helmuth Engelbrecht called *The Merchants of Death* became a bestseller. The book exposed the unethical business practices of weapons manufacturers and analyzed their enormous profits during World War I. The author concluded that "the rise and development of the arms merchants reveals them as a growing menace to World Peace." The Merchants of Death had lobbied both Congress and the president for war.

The American public was outraged. The year of 1934 saw over 94,000 American farmers sign a petition opposing increased armament production. Over 50,000 veterans paraded through Washington DC in April 1935 in a march for peace. And Marine Major General Smedley Butler, two-time Medal

of Honor winner, published his book *War is a Racket*, claiming he had been “a high-class muscle man for big business, for Wall Street and the bankers. In short, I was a racketeer; a gangster for capitalism.” His book too became a bestseller.

The growing wave of public outrage led Senator Gerald Nye to initiate congressional hearings investigating whether U.S. corporations, including weapons manufacturers, had led the United States into World War I. In two years, the Nye committee held 93 hearings and called more than 200 witnesses to testify, including JP Morgan, Pierre S. DuPont and his brothers, and former Senate Majority Leader James E. Watson.

The committee conducted an extensive investigation into the records of weapons manufacturers. They uncovered criminal and unethical actions including bribery of foreign officials, lobbying the United States government to obtain foreign sales, selling weapons to both sides of international disputes, and the covert undermining of disarmament conferences.

“The committee listened daily to men striving to defend acts which found them nothing more than international racketeers, bent upon gaining profit through a game of arming the world to fight itself,” Senator Nye declared in an October 1934 radio address.

To protect the United States and the world from businesses having a free hand in promoting war, the Senate Committee recommended price controls, the transfer of Navy shipyards out of private hands, and increased industrial taxes. Senator Nye suggested that upon a declaration of war by Congress, taxes on annual incomes under \$10,000 should automatically be doubled, and higher incomes should be taxed at 98%. “Do that and then observe the number of jingoists diminish,” *The Nation* magazine said. “If such policies were enacted, businessmen would become our leading pacifists.”

The American public was outraged at the committee’s findings that big business had led America to such useless carnage. Citizens joined to create some of the largest peace organizations the country had ever known. Committed to staying out of all future European wars, American college campuses in the 1930s had tens of thousands of students taking oaths

swearing they would never fight in a European war. Farmers, laborers, intellectuals, ministers - people from all walks of life - declared they would never again participate in a war fought to increase the profits of corporations.

And then, business fought back. They lobbied those in Congress to cut off funding for the Nye committee, which they soon did. A smear campaign was orchestrated against Senator Nye. The committees' days were numbered. In the end, the Nye Committee demonstrated that "these businesses were at the heart and center of a system that made going to war inevitable. They paved and greased the road to war." With World War II, the military-industrial complex would explode and come to dominate American economic and political life.

One hundred years later, the jurors of this Tribunal heard evidence of the same crimes by corporate defendants who reaped enormous profits when blood was spilt across the globe by the American military. We heard evidence of their influence, their lobbying, their corporate takeover of this nation's foreign policy and mainstream media in an effort to generate ever greater profits for their shareholders.

Today, the merchants of death thrive behind a veil of duplicity and slick media campaigns. But their crimes are clear and the evidence is overwhelming. Wherever they go, suffering and death, war crimes and atrocities, profits and stock buybacks follow.

TRIBUNAL RECOMMENDATIONS

The Tribunal jurors and staff make the following recommendations for action by the public and by public officials. The Tribunal jurors and staff understand that most of these recommendations are not immediately achievable. At the same time, they feel the responsibility to put forward goals that they believe

can end profit-making from war and create conditions in which war is no longer a choice for resolving disputes.

1. Domestic and/or international prosecution of the CEOs and boards of directors of Lockheed Martin, Boeing, RTX/Raytheon and General Atomics for their culpability in the crimes outlined above from October 7, 2001 to the present.

The Tribunal is well aware of the huge gap between law and justice. Justice cries out for civil and criminal accountability for the actions and inactions of the corporations described above, as well as civil and criminal accountability for the CEOs and members of the boards of directors of these corporations. Legal experts have helped us identify six sources of law which ideally would be useful in holding these corporations and their leaders accountable. The conservative court system in the U.S. has interpreted the majority of these narrowly in order to frustrate corporate accountability. We do not underestimate the effort, creativity and determination necessary to use these laws in ways to further accountability. We support those who are already working on this and urge prosecutors, national and international human rights organizations, private attorneys and law students around the world to launch additional legal actions against the aforementioned corporate officials, utilizing, but not remaining limited to, the following:

- The Convention on the Prevention and Punishment of the Crime of Genocide.**
- The Principle of Universal Jurisdiction.**
- Alien Tort Statute and Torture Protection Act.**
- Arms Trade Treaty.**
- The Leahy Law and related U.S. Laws.**
- U.S. War Crimes Act of 1996.**

The Tribunal recommends further that, to empower prosecution of the defendant corporations and their officials, the U.S. declassify all official documents related to the involvement of the defendant corporations' officials

and the weapons they produced in overt and covert military and intelligence operations since September 11, 2001. These documents must include reports of weapons features and shortcomings related to levels of risk to civilians as well as military personnel.

See Appendix 5 for a discussion of the application of these legal avenues for the recommended prosecutions.

2. Divestment from all stock holdings of Lockheed Martin, Boeing and RTX Raytheon because of their active participation in criminal conspiracies with the U.S. government and other governments that have resulted in the violations of international and domestic law referenced above. General Atomics is a privately owned company that does not sell stock. Therefore, the Tribunal recommends divestment and cutting of individual and institutional ties with any firm investing in or doing business with General Atomics because of its involvement in the aforementioned criminal conspiracies.

Further, the Tribunal recommends that individual investors, college and university endowment fund managers, pension fund managers and other institutional investors, rid their portfolios of stock of all firms making weapons and providing services enabling the use of weapons.

The Tribunal also recommends prohibition of the trading of stock of any firm making weapons or providing services enabling the use of weapons. Members of the U.S. Congress must be prohibited from owning stock in such companies prior to creation of the recommended stock trading prohibition.

3. Prohibit any member of Congress, member of the federal government and member of the military from accepting employment, compensation, or having any other relationship, with any corporation manufacturing, servicing or selling weapons for at least 5 years after they leave the government.

4. Create an agency within the U.S. Department of State tasked with assessing the dollar amount of damages inflicted upon civilians as a result of the crimes outlined above, and with providing the necessary and appropriate reparations to individuals and communities that have been injured by U.S. military actions since 9/11. An appeals board would be established within this agency, comprised of international representatives of non-governmental human rights organizations, to adjudicate disagreements arising from State Department reparations decisions.

Money for these reparations would be included in the State Department budget and be additionally generated by:

a. Requiring firms with Pentagon contracts dated October 7, 2001 onward to transfer to the reparations agency funds equivalent to the amount of their profits for that period.

b. Creating a surcharge, to be determined, on the annual revenue of all U.S. firms doing business in nations that have been subject to overt and covert military and paramilitary actions, retroactive to October 7, 2001.

5. Create a surcharge on revenue of all U.S. firms doing business overseas, to accelerate paying off the U.S. debt that has been generated with the goal of supporting all U.S. military presence and action since October 7, 2021, which has directly and indirectly supported the overseas business of these firms.

6. Create a Cabinet-level post to oversee conversion of weapons production to production to support health and well-being, including the creation of products to respond to the climate catastrophe.

7. Terminate all U.S. commercial weapons exports and: all so-called military aid, including servicing of military equipment; all covert military support of any kind to any overseas government; all military and all U.S. military action and paramilitary action in support of any foreign military or paramilitary forces.

8. Require that all U.S. weapons production, military training and military action of any kind be financed solely through highly progressive taxes that

place the primary burden on those with the most extreme wealth; weapons production and military action may no longer be financed through borrowing.

9. Closure of all U.S. overseas military bases and the return of all U.S. naval vessels to U.S. territorial waters.

10. Immediate dismantling of U.S. nuclear weapons.

11. Public funding of all campaigns for federal office, thereby eliminating the bribery inherent in the gathering of campaign contributions from weapons makers or any other special interests.

12. Initiate negotiations to ban aerial warfare, including aerial bombing, missile, rocket and drone attacks and the use of energy, satellite and space weapons.

13. Initiate action to achieve approval by the U.N. General Assembly of an international ban on installing weapons of any kind on drones.