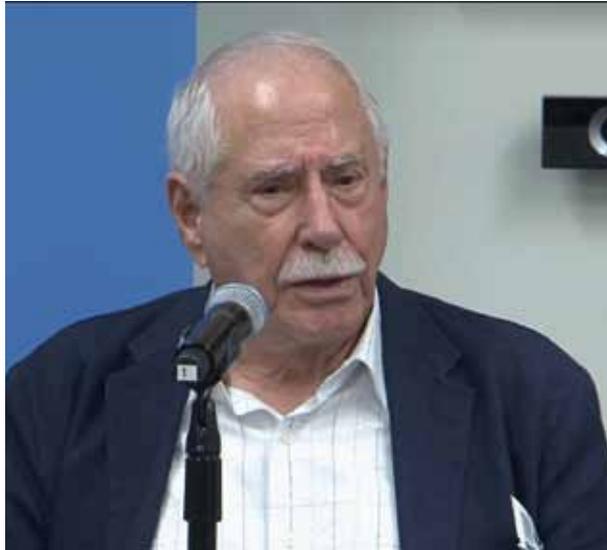


The Philippines Must Save Itself, And Help Save Us From Ourselves

U.S. Senator Mike Gravel (D-AK 1969-81) filed the following (slightly edited) Friend of the Court brief (called Petition for Intervention in the Philippines) in the Supreme Court of the Philippines on November 10, 2015, in the case challenging the constitutionality of the EDCA.



Nizar Abboud

Former Senator Mike Gravel speaking to the UN Press Correspondents in New York City, Sept. 14, 2015.

Summary

The decision by the Philippine government to enter into an Enhanced Defense Cooperation Agreement (EDCA) with the United States government is neither in the best interest of the Philippine people nor in the best interest of the American people.

Throughout human history, conflicts that develop between national empires in decline ceding status and power to ascending nations have invariably led to war. This occurrence is what General Martin Dempsey, the former chairman of the Joint Chiefs of Staff, called the Thucydides trap, in which Athenian fear of a rising Sparta made the Peloponnesian War inevitable. It is noteworthy that it was the democratic Athens that initiated the war, not the autocratic Sparta. Fortunately, there are some instances in history in which precarious superpower transitions have not led to war. China's ascendancy is primarily economic in nature, and no evidence suggests that it seeks global military hegemony even though its economic interests are global. To the contrary, China's military expenditures in response to the irresponsible rhetoric of

some American leaders have increased over the last decade, but are still considerably less than a third of United States annual military expenditures, which amount equals half the world's total military expenditures.

President Obama's recent speech before the UN General Assembly quieted the chamber when he articulated the following threat:

I lead the strongest military that the world has ever known, and I will never hesitate to

protect my country or our allies, unilaterally and by force where necessary.

... I will argue below that the United States, whether intentionally or by accident, is skirting ever so close to the Thucydides trap. America's political leadership is unable to reverse that trajectory. Therefore, it is my hope that a foreign national interest will step forward to protect Americans from their own government's military foreign policies.

The Philippines could possibly take up a portion of that task, and in so doing, safeguard its own sovereign interests while avoiding military engagements and a possible war that no one wants. The decision of this esteemed Supreme Court can set in motion a chain of circumstances that could have an impact on whether the conflict caused by China's global economic ascendancy and the loss of United States hegemonic mili-



The result of falling for the Thucydides trap: The Peloponnesian War between Athens and Sparta, 431-404 BC.

that a member of Congress could reveal any classified information within the confines of the Congress without being questioned by any other authority under the provisions of the speech and debate clause of the U.S. Constitution. . . .

As a legislator, I served as a representative and Speaker of the Alaska House of Representatives (1963-1966) and served two terms in the U.S. Senate representing the people of Alaska (1969-1981). Politically, I had the honor of enjoying the full electoral support of the Alaskan Philippine community. During my Senate career I had occasion to visit the Philippines as the guest of Ferdinand Marcos—a

tary primacy in the Indo-Pacific economic center of gravity, will result in war by falling into the Thucydides trap.

Credentials

We are most critical of what we hold most dear. I love my country, but I cannot abide the concept ‘my country right or wrong.’ When it is wrong, I hope to propound an effective critique to negate that wrong. As a young man, I enlisted in the United States Army and graduated from the Infantry School’s Officer Candidate Program at Fort Benning, Georgia. Most of my class went to Korea at the worst of the fighting. I had the good fortune, having been educated by the Army as a Counter Intelligence Corps (CIC) agent, of being sent to Europe as the Adjutant of the Communications Intelligence Service, an agency that used the CIC as its cover. As a 23-year-old second lieutenant, I had the authority to classify and declassify military documents.

Advancing 20 years, little wonder that, as a 41-year-old U.S. Senator, I instantly accepted the responsibility from Daniel Ellsberg of officially releasing the Pentagon Papers, top secret documents that revealed the history of how four presidential administrations, and later a fifth, had lied to the American people about the reasons for our involvement in the quagmire of the Vietnam War. The Nixon Administration’s Justice Department sought my indictment, occasioning a case that was unanimously decided by the U.S. Supreme Court

visit I found most instructive.

Since I was committed to the enactment of the Law of the Sea and played a leadership role in seeking its ratification in the Senate, I was appointed the delegate from the U.S. Senate to the 31st General Assembly of the United Nations.

As I stated above, I love my country, however, I hold my love of mankind above that of my country. I hold the life of any human being equal to that of any American.

I pray this distinguished Court will find the above credentials sufficient to warrant your attention to the views I express in this paper.

History

History forgotten is often repeated. Please keep in the forefront of your deliberations the history of the United States as it impacted the Philippines and the peoples of Southeast Asia. Understanding this history will clarify what possible effects the EDCA could have on the Philippine people.

As you know, after several centuries of Spanish colonial rule, the Katipunan revolt began in 1892 and was formalized with the Filipino War of Independence in 1896. Most of America’s media attention centered on Cuba. When the United States declared war against Spain in 1898, the congressional declaration included the Teller Amendment, which disclaimed any intention of the United States to annex Cuba, and promised to leave the island as soon as the war was over. No such

declaratory reservation was made with respect to the Philippine archipelago, also in a revolt against Spain.

In one spectacular battle, Admiral George Dewey destroyed the entire Spanish fleet bottled up in Manila Bay. He then invited Emilio Aguinaldo to return from exile to prosecute a land war against the Spanish—American ground troops had yet to arrive—with the inducement of prospective independence for a Philippine Republic.

Henceforth, a duplicitous manipulation ensued involving all of the usual suspects: the U.S. President, the State Department, the Congress, the Navy, the Army, the jingoistic American media, and the ill-informed patriotic American public, oblivious to the trashing of its most fundamental values: liberty, freedom, national sovereignty, and self-determination.

From such *realpolitik* stagecraft under the administrations of William McKinley, Theodore Roosevelt, and Woodrow Wilson evolved a crushing insurgent war on the Philippine population, exhibiting a level of cruelty and atrocity equal to the worst in the annals of conquest and war. The result: All opposition was brutally crushed and the Filipino leadership and population remained supine to American interests, except for a brief interlude commencing on September 16, 1991.

At the Treaty of Paris, December 10, 1898, ending the Spanish-American War, Spain would not involve the lowly revolutionaries of Cuba or the Philippines in the surrender process, to which the U.S. did not object. In the treaty, Spain renounced its rights to Cuba, acknowledging its independence, ceded Puerto Rico and the island of Guam to the United States, and sold the Philippines to the United States for \$20,000,000. The sale afforded a level of legitimacy to the U.S. ownership of the archipelago because of the earlier purchase of Alaska from Russia.

It was not until the presidential administration of Franklin Roosevelt in 1934 that the right of Filipino self-determination was acknowledged with a promise of independence—delayed until 1946, after the end of World War II, during which Filipino fighters acquitted themselves with courage and resolve equal to that of any nation.



Perley Fremont Rockett/Library of Congress

The brutal Philippine-American War of the late Nineteenth-early Twentieth Century.

...Add to this limited recitation of past facts the criminal complicity that the United States foisted on the Philippines with the prosecution of wars against fellow South Asians. I am not only referring to our conduct in Indochina, but also to the wanton invasions of Cambodia, Laos, and the corruption of Thailand. Subic Bay and Clark Air Base were the main platforms outside the war zone to supply military resources to American forces to prosecute the Vietnam War in a manner not dissimilar to the pacification of the insurgent war pursued against the Philippine population at the turn of the century.

We need to remember that a commander of the American Air Force advocated the use of nuclear weapons to bomb the Vietnamese into submission—in effect depopulating the country to save it from going communist. We should also remember that during the Korean War General Douglas MacArthur, the son of General Arthur MacArthur who figured prominently in the suppression of the Philippine insurgency, advocated the use of nuclear weapons in Korea and on China. It is not unfair to conclude that some Western elites placed little value on Asian lives.

Even to this day, a significant leader in Congress and a former presidential candidate still believes that we should have won the Vietnam War, and that we only failed for lack of political resolve. That war was never winnable, for the Vietnamese were prepared to pay any price to become an independent sovereign nation.

When we decamped under pressure because of American protests at home, we left many of our Asian allies at the mercy of the enemies we had created for them. We also left a refugee crisis—boat people—that had some impact on the Philippines. At the height of the war, America's leaders knew it was a mistake and had long given up on the Domino Theory. They were only concerned with a face-saving exit.

Nevertheless, our global reputation was damaged. As a result, we punished the people of Southeast Asia with sanctions and trade embargoes for a generation.

The truth of this history, so hard to accept, is that the millions of Filipinos, Indo-Chinese, Laotians, Cambodians, and Americans all died in vain.

The political ideology of communism we so abhorred still exists, but now Vietnam enjoys most favored trade status with America. They did die in vain. There is no question that the Philippines benefited economically from America's war in Southeast Asia. However, I would maintain that the moral price and the militarization of the Filipino culture was far too high a price to pay.

The phenomena of this interlude in history baffle many Americans. We don't know why these people, who have been so abused by us, have forgiven us and still greet us with amity. Do they not understand what we have done?

China

...The U.S. agitation over the Spratly Islands created by China dredging and building up reefs has great propaganda value for America. However, the charge that they are military bases is somewhat specious. A military base presupposes that it would play some useful operational role in the event of hostilities. Physically these small islands are easily destroyed in the event of a conflict and therefore are not military bases in any sense of the word. These islands are outposts of a symbolic nature—markers that would enhance legal arguments for rights at some future date.

However, from a Philippine and Chinese perspec-



courtesy of South Sea Conversations via New Sohu.com

A section of the Scarborough Shoal in the South China Sea, a source of simmering conflict between the Philippines and China. Here a Philippines member of parliament leads military and media personnel to the Shoal in May 1997.

tive, these disputes are serious. Filipino fishermen make their living fishing these waters, and the economic benefits from prospective oil and gas discoveries could be significant. The solutions to these disputes, not only for the Philippines but for all the interested nations in the region, are best dealt with diplomatically under the auspices of the United Nations and not by military confrontations.

In the Scarborough Reef incident, China confronted Filipino fishermen over their access to the reef. Even though the United States got involved, the Filipinos were forced to back down. This successful incident in 2012 suggests a policy for China to go it alone in the South China Sea. It offers a model for continued Chinese confrontations, nibbling at the margins of the national interests of the Philippines, Malaysia, Taiwan, Indonesia, and Vietnam.

At present, the issue rests with the International Tribunal for the Law of the Sea. I would hope that the tribunal would use its influence to initiate a UN regional forum, inviting all the interested parties to treat these sovereignty issues from a broader perspective than that of any one single party. This should have appeal to China, which has advantaged economically all parties in the region with its spectacular global growth. This

forum would permit China to showcase its Silk Road—One Belt, One Road—vision by including the disputants in the economic vision with specific development projects, and thereby advance harmony by sharing the commons of the China Sea.

The Scarborough Reef incident should inform the Philippine leadership that when push turns to shove, the United States will not provoke a military showdown with China over Filipino fishing or mineral rights. It should drive home the fact that U.S. militarization of the Philippines is not really designed to protect Philippine interests but rather to afford the United States a geographic advantage to confront China over its ascendant superpower status, which the United States finds offensive to its global hegemonic status.

It is somewhat disingenuous for the United States to claim that it is patrolling the South China Sea to protect the right of free maritime passage when the United States is one of very few nations that refuse to ratify the Law of the Sea (LOS) convention, which expressly codified in international law the protection of the oceans environment, its fisheries, the sovereign rights of bordering nations, and free maritime passage, and provides a tribunal to adjudicate maritime disputes under the convention.

My personal assessment of China is not that of America's conventional wisdom. When President Obama praised the UN record during its 70-year existence for raising more than a billion people out of poverty into the middle class, he failed to mention that half of that number were Chinese. It was done in three decades—a record of human improvement never equaled in the recorded annals of civilization. China is not a democracy, but a communist country operating as a meritocracy, struggling to limit corruption, a vice endemic to free-market capitalism. China's accomplishment in improving the wellbeing of more than 500,000,000 people in a generation—a number more than one and a half times the entire population of the United States—should have been noted by the American president.

The governance problems that China faces, and for that matter that India and Indonesia face, are almost beyond comprehension. I do not pretend to know the nuanced relationship that existed between China and the Philippines over the last century, but I am sure some degree of fraternity must exist over the shared experi-

ence of colonial exploitation. That would be enough to build upon.

I am not suggesting that the Philippines alienate itself from the United States, but I think it wise to divorce itself from any military entanglements, whether with the United States, Japan, the European Union, or China. Is there a threat of invasion from China or from any other nation against the Philippines? If not, then why the fascination with taking on the burden of militarism, and why pay for wasteful munitions when those monies can better be used to improve the life of Filipinos?

China, supported by the BRICS—Brazil, Russia, India, China and South Africa—has defined a 30-year vision, already undertaken, to unite the world's economies through the construction of high-speed railroads, roads, and fiber optic communications across the Eurasian land mass of Russia from western China to Europe, with extensions north into Scandinavian countries and south into Iran and Arab countries. This visionary plan makes good sense for China, which must productively utilize the excess industrial capacity it developed for its double-digit economic growth.

The Silk Road—One Belt, One Road—plan has a maritime component to build efficient port developments to increase world trade. The plan envisions a similar economic expansion to all continents. Hegemonic influences will not be tolerated, nor will it have a military component. The BRICS have already set up financial institutions to help underwrite developments undertaken by the plan. Embarrassingly, America tried to dissuade its allies, without success, from participating in the plan.

It would be a tremendous boon to the Philippine economy to avoid the American military expansion and instead join the BRICS in this sensible global economic development plan. The Philippines, India, and China are not included in the U.S.-led Trans-Pacific Partnership (TPP), which serves to add greater power to the multinational corporations who already control major portions of the world economy. This agreement is the U.S. strategy to confront the BRICS global economic alignment. In my view, it makes more sense for the Philippines to align itself with the BRICS and eschew the militarism offered by the United States.

Compare China's vision for a successful, prosperous, economically unified world to what America offers

by way of a militarized world that brooks no challenge to its hegemonic leadership. Compare the suffering of untold numbers of people in a plethora of nations around the world over the last 30 years. A suffering inflicted by the hubris of backroom American neocons punishing people with economic sanctions to bring about regime change and their liberal interventionists wantonly invading sovereign nations that do not conform to their ideological standards.

Save Yourselves

...The United States is attempting to make the Philippines the sharpened point of its offensive spear with which to confront China. Ultimately, Filipinos will find themselves impaled on that spear. The Philippines is the ideal strategic location for the United States to establish a military platform in East Asia, on China's doorstep, in preparation for a possible war.

Chinese Navy unofficial spokesman Admiral Yin Zhuo (PLA Navy ret.) made the point recently: "If in the future, there is U.S.-China conflict, then it will likely take place on our doorstep. Speaking bluntly, fighting on our doorstep, we fear no one." The doorstep he is referring to is the Philippines.

The U.S. design on Philippine real estate is understandable. The more confusing question: Why would any country choose to place itself at the frictional edge of the world's two conflicting superpowers? If there is a war, the conventional phase of it would first be fought on Philippine soil housing the American military, before moving to the nuclear phase of the war on the Chinese and American populations, in which case we are all doomed.

Unfortunately, many American civilian and military leaders, intoxicated with the sense of superiority they feel towards the rest of the world, tend to miscalculate in their political and military planning. . . . The vaunted nuclear carrier armadas the United States boasts of to protect its Asian allies—most particularly the Philippines—can be wiped out in minutes with anti-ship ballistic missiles and a plethora of China's new classes of advanced supersonic cruise missiles.

What could possibly be the benefit for the Philippines of turning itself over to a foreign power? Because that will be the case if the EDCA stands. Your country will be garrisoned to the hilt in order to back up America's threats to anyone in Asia. Take a look at the neighborhoods around military bases to see what your coun-

try will become. Who other than military contractors would dare invest and develop alternate industries in such a circumstance? The economic activities that will follow military expansion will of necessity control and corrupt your political institutions to protect their investments. The government would prostitute itself to a foreign power and will then demand payments. However, such payments would be a pittance compared to what could be realized from the normal growth of a healthy, independent economy blessed with an industrious people.

Save Us from Ourselves

As an American, realistic enough to understand the internal dilemma that afflicts my country, I sincerely ask for the help of this illustrious Court by taking a decision that could set in motion a chain of circumstances that could possibly thwart the planned expansion of America's military presence in Asia, using the Philippines as its main base. This is what some call the pivot to Asia. Let me explain why it is impossible for some of us to alter or correct the present direction of our foreign and military policy.

Our culture is infused with a sense of superiority, enlarged beyond reality. Our nation was blessed by geography providing oceanic security, by a land welling up with vast resources, and an ever-expanding educated and industrious population. After France midwifed our nation's birth, we saw ourselves as the city on the hill, with a manifest destiny to transcend the continent.

Of course, we rarely acknowledge that we are a violent people who annihilated the indigenous population of the continent and institutionalized slavery in our Constitution, only to have it corrected by a calamitous Civil War, which left a legacy of racism that haunts us to this day at home and abroad. The seeds of hubris grew when we saved the world in the Second World War, while the communist Soviet Union did the heavy lifting. This left us as the only imperial power with the atomic bomb able to assume the white man's burden from the British Empire. The acquisition of the bomb by the USSR and China altered that equation.

After the war, our elites reasoned that we could avoid another terrible depression if we kept the economy on a war footing. This policy was legislated into existence in 1947 with the National Security Act under the Truman administration and carried forward by the

Eisenhower administration. The military-industrial complex reasoned that if it located the military's economic presence—manufacturing and military bases—in every congressional district, it could control the Congress. And it has. . . .

The U.S. Empire is in decline even though we still lead the European Union and North Asia around by the nose. NATO, 90% funded by the United States and commanded by an American general, is the vehicle for the globalization of the military-industrial complex. American leadership and the public refuse to accept the fact of decline. You need but look at our failing educational system, our health system controlled by the insurance industry, our bankrupt financial system, and the disrepair of our national infrastructure. In the face of all this, the defense budget remains sacrosanct. The American public is not stupid, but remains steeped in ignorance by a mainstream media controlled by six corporations responsible to Wall Street and the military-industrial complex.

We are no longer a democracy in the real sense of the word. A democracy is not just elections. For elections to be meaningful, people must be informed in order to render intelligent judgment. The American

public is purposely kept in ignorance.

American political and military diplomacy is contriving to gain control of your archipelago for reasons that will not benefit the people who live there.

Conclusion

...The discussion above is made in an attempt to motivate this distinguished Court to render a judicial decision that will in effect transfer the deliberations on the EDCA from its secret confines to the Philippine Senate, where arguments will be made in full public view. I hope my arguments made above will contribute to that debate. Matters of extreme importance to the wellbeing of Filipinos and the survivability of Philippine democracy are at stake in that debate.

Your judicial decision could well set a chain of circumstances in motion that could ultimately affect the course of world affairs. In this regard, I am reminded of a famous statement made by the renowned sociologist Margaret Mead: Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it's the only thing that ever has.

by Mike Gravel
October 15, 2015

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