

Death and Tax Evasion

Tax Evasion. Illegal Possession of Weapons of Mass Destruction. At first glance these two crimes may not appear to have much in common, but they share a significant attribute: they are both considered serious crimes by the authorities in the United States, but are more or less condoned by many people.

The reason why the authorities consider both these crimes to be serious may be the same: they are both relatively easy to prove by courtroom standards, and they are both often committed by people who also commit crimes which are far more serious by any standards, yet also far harder to prove.

Al Capone, the notorious prohibition-era gangster, committed many crimes, of which the most serious was mass murder and perhaps the least serious was tax evasion. Yet he was prosecuted only for tax evasion. That is because it could be proved in court, not because anybody believed that this was an adequate or representative summary of his crimes.

Saddam Hussein is likewise a gangster and mass murderer – though on a scale that makes Capone look benevolent by comparison – and a torturer, thief and ... an illegal owner of WMDs. Consider also Slobodan Milosevic: somewhere between the two, *he* has been charged with **Genocide**, the most serious of all crimes – but even as we write this he is locked in a Byzantine legal process that may well fail to find him guilty simply because of the inherent difficulty of proving the charges.

And so after 9/11, when the safety of the world became a clear issue in our minds, and Saddam's malevolent influence on regional and world affairs became intolerable, we found ourselves casting around among his many crimes for one that would be easy to prove at the quasi-legal court of the UN Security Council. Ironically we chose one which, for reasons that have yet to be satisfactorily explained, he appears to have been innocent (at the time we happened to catch him): possession of WMDs.

If Al Capone had been found not guilty of tax evasion for lack of evidence, would that have made the war against organised crime unjust? Would the media have proclaimed that it would have been better if Capone had been left alone? That the US government should apologise for 'lying' about the tax evasion? Of course not, because it was beyond doubt that he was as guilty as sin of a

multitude of crimes, any one of which justified pursuing him, capturing him, and putting an end to his power.

Wed, 09/15/2004 - 00:22 | [digg](#) | [del.icio.us](#) | [permalink](#)

familiar

Good post but, hey! I've been using this analogy forever ;-)

Small correction: contrary to what you say, Saddam was, in fact, proven Guilty of the "charges" we brought against him, by Hans Blix of all people. Blix's report cited (buried?) the Hussein regime's possession of a UAV which he had not reported and which he was prohibited from having. This was not a "WMD" per se but still, this alone placed Saddam in violation of Resolution 1441. (Remember, the "charges" were much more specific and tangible than "He has 'stockpiles' of WMD!", as one might think from e.g. the way the Associated Press reports on these matters. He was required to report or document the destruction of a list of banned objects. This list of banned objects is not adequately summarized by the phrase "stockpiles of WMD".)

Obviously, if I say all this to an antiwar person they come back with "that's no reason to start a war! we fought a war because he had a model airplane? we fought a war because of a centrifuge in a backyard? (etc)" which is precisely when I trot out the Al Capone example ;-)

No, it doesn't work, of course. The point remains valid however and you state it better than I have.

--Blix

by a reader on Wed, 09/15/2004 - 01:20 | [reply](#)

Guilty as charged

Blix: yes you're right, he was guilty as charged. We plead guilty as charged.

by [Editor](#) on Wed, 09/15/2004 - 01:49 | [reply](#)

Unprovable beyond doubt

"it was beyond doubt that he was as guilty as sin of a multitude of crimes"

Then, why could it not be proven?

by a reader on Wed, 09/15/2004 - 10:44 | [reply](#)

Why Not Proved W/ Capone?

Why couldn't it be proven with Al Capone? or do you dispute that? then take answers to Capone question, apply to Saddam. throw in that it's 10x harder to get evidence about someone in a different

country, and 50x harder when that country isn't some friendly, open ally.

-- Elliot Temple
<http://www.curi.us/>

by **Elliot Temple** on Wed, 09/15/2004 - 15:44 | [reply](#)

Why It Was Hard To Prove Al Capone's Guilt

Because he was the head of an organisation one of whose main functions was to conceal precisely such evidence. All his financial transactions were done through proxies with whom he had no legal connection. When he gave an order which resulted in someone being killed, he never wrote it down. The only witnesses were his most loyal subordinates, and even then, he did not have to be all that explicit because they had all known him for a long time and knew what he meant. There was a system of intimidation and savage revenge against anyone whom he suspected of revealing information to the authorities. Intimidation, and also lavish bribery, was used to suborn juries and policemen and politicians.

How do we know all this? That is not the problem. It is not controversial among historians and none of it was secret, even at the time. The atmosphere of fear and corruption was easily observable by any visitor to Chicago, and its origin was well known to the inhabitants because their lives depended on it: if someone made a mistake and assumed it was safe to cross a gang leader because he was just an innocent businessman, they really would die. But that is not evidence for a court.

by **Editor** on Wed, 09/15/2004 - 19:06 | [reply](#)

That Quote Was About Capone

If Al Capone had been found not guilty of tax evasion for lack of evidence,...Of course not, because it was beyond doubt that he was as guilty as sin of a multitude of crimes, any one of which justified pursuing him, capturing him, and putting an end to his power.

Is **The World** suggesting that domestic criminal justice should pursue, capture, etc. people who cannot be proven to have committed crimes?

Maybe we shouldn't bother with trials at all and just lock up everybody who prosecutors know are guilty!

I think it's a good thing for governments to have significant burdens to justify their use of power.

The problem is that in the case of going to war, we have strong disagreements about what that burden should be.

I don't really believe that the major issue is whether or not Saddam

actually had WMDs or WMD programs.

Most war opponents believed that he did, and *still* opposed the war.

Most war supporters still support the war even though we can't prove that he had them.

The disagreements are about what justifies the use of american military power.

The war opponents are just harping on the issue to try to convince those who might have been unsure about the strength of the case, and to give those who now regret it an excuse (that they were misled) to now oppose it without admitting that they were wrong.

Gil

by **Gil** on Wed, 09/15/2004 - 19:10 | [reply](#)

Maybe we shouldn't bother with trials at all?

Gil asked:

Is **The World** suggesting that domestic criminal justice should pursue, capture, etc. people who cannot be proven to have committed crimes?

No.

by **Editor** on Wed, 09/15/2004 - 20:20 | [reply](#)

Death To The Wicked

Is Gil suggesting that life would be better if everyone always focussed on what the law says, instead of what is right? Why should we need a law before we can kill bad men? Isn't that authoritarian?

-- Elliot Temple

<http://www.curi.us/>

by **Elliot Temple** on Wed, 09/15/2004 - 20:36 | [reply](#)

Re: Death To The Wicked

Why should we need a law before we can kill bad men?

One reason is that there are rules of procedure with the property that if everyone is held to them, even the best people will do the wrong thing less often than if they did not defer to such rules.

Another reason is that codifying the rules under which bad people can be punished improves the growth of knowledge about what constitutes 'bad', and who meets the criterion for being bad.

Another thing that is essential to the growth of political knowledge is that people feel confident in doing things that most other people

consider immoral, provided that they are not breaking the codified

law.

by **David Deutsch** on Wed, 09/15/2004 - 21:03 | [reply](#)

sure but

A) this only applies much to **evolved** laws, not ones designed by central planners. (though sometimes the idea evolves, not in law form, then central planners say it's a law). law by fiat tends not to have the less mistakes property. which leads into:

B) if those people who should follow laws to avoid mistakes, consider specific laws bad, they should not follow those laws. for example, maybe downloading music and killing dictators aren't bad ideas (not that second is actually against law). in other words, only follow laws you agree with for their sake (follow others for sake of not getting thrown in jail, as needed)

also, some laws have the property that for most people following them will involve less mistakes. **But** we can certainly imagine a person who has a life where he really ought to break laws. especially if he is ahead of his time morally. and especially if he is powerful. and it works just as well for a group of people as an individual. examples include wizards and the USA.

-- Elliot Temple

<http://www.curi.us/>

by **Elliot Temple** on Wed, 09/15/2004 - 22:32 | [reply](#)

nod

Gil writes,

The war opponents are just harping on the issue [WMD] to try to convince those who might have been unsure about the strength of the case, and to give those who now regret it an excuse (that they were misled) to now oppose it without admitting that they were wrong.

Right. And this World post helps to counter that effort.

by a reader on Thu, 09/16/2004 - 00:37 | [reply](#)

What was the justification for what?

I'm not sure how the Capone analogy is especially applicable in the Saddam case. It implies that the government's primary agenda was to overthrow a murderous despot, and the whole WMD thing was just some technicality that we could prove in order to justify that overthrow. If anything, we used the murderous despot part to help sell the overthrow of a guy who had WMD that could potentially be handed off to terrorists and harm Americans. The "lesser" crime (akin to tax evasion), when it comes to a forced regime change through military might, is the damage he has done to his own people and the people of the region, while the crime that actually

justifies it to the American people is the threat he posed to American civilians. The Bush administration has never claimed to be in the business of overthrowing all murderous dictators if only they can prove the crime, or prove a lesser loophole type crime. Not that the murdering part was as insignificant as the Capone tax evasion thing, it was simply sold as part of the over all package of a crazy guy who was the absolute last person on earth to be trusted with WMD. To paraphrase Capone in "The Untouchables" who said, "A kind word and a gun will get you further than just a kind word," being a crazy tyrant with WMD will get you invaded a lot quicker than just being a crazy tyrant.

And, to be clear, I believe the war was and is justified. I just don't think the Capone argument is a compelling enough one to convince anyone who believes otherwise.

by **R** on Thu, 09/16/2004 - 01:10 | [reply](#)

Re: What was the justification for what?

It wasn't the being-a-murderous-dictator that made Saddam's removal imperative either. It was, as we said, that

the safety of the world became a clear issue in our minds, and Saddam's malevolent influence on regional and world affairs became intolerable

However, his WMD posture (stockpiles or no stockpiles) was part of what made his influence malevolent and intolerable, as was his being a mass-murdering dictator and other things too.

by **Editor** on Thu, 09/16/2004 - 01:47 | [reply](#)

I agree completely. It was t

I agree completely. It was the entire package that made Saddam intolerable. Unlike Cappone. It wasn't his murderous regime plus his questionable tax practices that made him intolerable.

But even if it was, I don't think that was your point. Your original analogy seemed to imply that if we can't nail him (Saaddam and Cappone) on the big crime (murder, theft and intimidation in both cases) then we nail him on the little crime (possesing WMD that he could hand over to terrorists, and tax evasion respectively.)

It is this analogy that I take issue with. Or am I misunderstanding you?

by **R** on Thu, 09/16/2004 - 03:21 | [reply](#)

The Analogy

I also don't see how this analogy is enough to sway anybody who thinks that the WMD issue is important.

It seems to me that **The World** is trying to argue that the WMD

charge, like the Capone tax evasion charge, was merely a convenient thing to pin a legalistic justification for attack on; that the truth of the charge wasn't really an essential part of the justification.

But, the people who care about WMDs are the people who think that the truth of that charge *was* an essential part of the justification.

In order to affect these people's opinion, I think **The World** (or somebody) has to go further and explain why those people are wrong.

Just asserting that there is an analogy is not enough.

Of course, I'm assuming that this was intended to be an argument meant to explain something to those who didn't already agree about this, rather than merely an interesting observation to share with those who did.

Gil

by **Gil** on Thu, 09/16/2004 - 03:22 | [reply](#)

Just a general question -

Is it always good to overthrow evil dictators?

by a reader on Thu, 09/16/2004 - 03:58 | [reply](#)

The Details Of The Analogy

Saddam **is to** Capone **as**

WMD possession **is to** tax evasion **and as**

Being an intolerable malevolent influence on the world **is to** committing multiple murder and leading organised crime.

WMD *stance* and being a mass-murdering dictator and terrorist sponsor are all part of being an intolerable malevolent influence on the world.

by **Editor** on Thu, 09/16/2004 - 04:51 | [reply](#)

Re: is it always good to overthrow evil dictators?

Not always. Not if you replace him by an even more evil dictator, for example.

by a reader on Thu, 09/16/2004 - 04:54 | [reply](#)

two cases not one

As always in these conversations it's important to distinguish between two issues, as in places Gil and R. fail to:

1. For what reasons did the US [or Britain, as applicable] decide it

necessary to wage the war?

2. For what reasons did the US (unsuccessfully as it turned out) argue that the UNSC ought to endorse such a war?

These need not be the same thing and, in fact, were not. The US didn't wage the war because of "WMD". "WMD" was *among* the reasons (which you can look up yourself by googling the actual war powers declaration) but it was not 'the' reason (1.)

However, it *was* 'the' reason given for 2. That's because "WMD" was actually something within the UNSC's "jurisdiction" (to continue the analogy). It was one of the few things we could have reasonably expected the UNSC to actually care about. (Of course, we were wrong - in particular Colin Powell and Tony Blair were wrong - and they didn't.)

That's why saying we went after Saddam "because he (we thought) had WMD" is wrong. *We argued that the UNSC should support us because he (we thought) had WMD, but that's not the same thing.* We went after Saddam for a list of reasons one of which was the "WMD" issue.

This is all still clarified better by the Capone analogy but that analogy must actually be understood, which evidently it hasn't been. FYI here's the analogous 1. and 2. for Capone:

1. Why was the government interested in putting Capone away to the point of putting Elliot Ness types on his tail (yes all my knowledge of Capone does come from the De Palma movie)?

2. Why did government prosecutors argue that a jury should find a guilty verdict on the charge of tax evasion?

Not the same. No reason for them to be the same. There are *two* cases to speak about, not only one.

by a reader on Thu, 09/16/2004 - 04:55 | [reply](#)

--blix

--blix

by a reader on Thu, 09/16/2004 - 04:55 | [reply](#)

Why Bush Went To War

Has anyone read *Misunderestimated*? It's by a guy who got to talk with Bush. Anyhow, Bush explains there were three main arguments for war, in his mind: 1) to make the world safer and to stop Saddam from sponsoring terrorism. 2) WMD 3) to free the Iraqi people. they decided to focus on the WMD issue b/c, in the administration's own words, paraphrased, they wanted to present a case for war that had nothing debatable -- only the most solid, unquestionable evidence was to be used. WMD was thought to be much better than the other 2 issues in that regard. they never thought WMD was more important than the other reasons for war,

only easier to prove, and that's exactly why it got focussed on.

-- Elliot Temple
<http://www.curi.us/>

by **Elliot Temple** on Thu, 09/16/2004 - 05:07 | [reply](#)

Re: is it always good to overthrow evil dictators?

Not always. Not if you replace him by an even more evil dictator, for example.

But you wouldn't replace the dictator with a more evil dictator if you held it true that "it always good to overthrow evil dictators". So I don't think the example is a good one.

by a reader on Thu, 09/16/2004 - 05:20 | [reply](#)

But It's Not A Complete Argument

Blixa,

I understand the distinction you make. I (and R) am (are) making a different point. When I read **The World** asking:

If Al Capone had been found not guilty of tax evasion for lack of evidence, would that have made the war against organised crime unjust? Would the media have proclaimed that it would have been better if Capone had been left alone? That the US government should apologise for 'lying' about the tax evasion?

I assume that they are trying to speak to people who ask these questions of the Coalition because of a failure to prove the WMD charges.

In order for the analogy to carry any weight with those people, an argument must be made that the ability to prove the WMD charge, like ability to prove the tax evasion charge, was not an essential aspect of the justification for using force.

It's not obvious. As you say yourself, our belief that Saddam was involved in seeking WMDs was a part of our rationale; moreso than the tax evasion issue was a part of the rationale for the campaign against Capone, so the analogy is definitely not perfect.

What I'm saying is that persuading the people (not me!) that I describe above requires an explanation for why our ability to prove this charge was not essential. Not just that other reasons were mentioned, but that they (along with the reasonableness, given imperfect information, of presuming that Saddam was seeking WMD capability) constitute a sufficient justification.

Gil

by **Gil** on Thu, 09/16/2004 - 05:23 | [reply](#)

persuading ppl

Gil,

I think you greatly overestimate your knowledge of what will and won't persuade people. People are really complex. In general we should just use whatever arguments we find best, unless we have a **specific** reason to go with another one. And I think we should never declare arguments useless because of some imagined notion that no one will get it. No one ever understands everything you say, but even when you say very tricky things, many people will understand some.

-- Elliot Temple
<http://www.curi.us/>

by **Elliot Temple** on Thu, 09/16/2004 - 05:35 | [reply](#)

RE: Persuading People

Well, it seems pretty clear to me that people who hold the opinions described will need more than an assertion that they have been wrong about what is important to justify this war. And, I don't see much more to this argument than that.

But, I suppose I could be wrong about that.

If any reader came to this post in opposition to the invasion of Iraq because of the lack of Weapons of Mass Destruction, and was persuaded by the post's argument that the invasion was justified, please add a comment declaring that, and explaining it if possible.

Thanks.

Gil

by **Gil** on Thu, 09/16/2004 - 06:40 | [reply](#)

true dat

Gil,

I like Elliot's response. Seconded. In general I make no claims that this argument **will** persuade people, just that it **should**. ;-)

But I do think you have a point that while, in reality, tax evasion was a miniscule part of the reasons for going after Capone, "WMD" was a **significant** part of the reasons for the US going after Saddam (i.e. 1. not merely 2.). In that sense, the analogy isn't perfect. Indeed.

Best,

-Blixa

by a reader on Thu, 09/16/2004 - 15:08 | [reply](#)

Re: is it always good to overthrow evil dictators?

But you wouldn't replace the dictator with a more evil dictator if you held it true that "it always good to overthrow evil dictators".

Yeah, you might. Because you don't always get what you intend. This is actually very common in revolutions. Someone works out how to overthrow a tyrant by force but fails to work out how to install a system of government in which the next leader won't either be overthrown by force or stay in power by tyranny.

by a reader on Thu, 09/16/2004 - 15:45 | [reply](#)

using the arguement

There's a guy at my work who was sold on the war when he believed Saddam had WMD, but is against the war now. He is an intelligent guy who will listen to reasonable arguements (and doesn't fall into the group Gil was talking about who were never going to be for the war even if we found stockpiles of WMD.) In presenting this arguement to him, I just want to be clear on what conclusion I want him to reach. Is it something like: Even if Saddam didn't have WMD, he deserved to be overthrown because he was a murderer theif, etc. much the same way that Capone deserved to be in prison whether or not you think tax evasion is a big deal. We just couldn't have brought justice to either one had it not been for the WMD arguement and the tax evasion business?

I imagine he'd argue back, "yes Saddam is a murderer who deserves to die or spend the rest of his life in prison, but not at the expense of 1000 plus American lives. Plus we were decieved into thinking the case for war was A when really it was B, when in the Capone case no one had any problem with putting him away for just B if only they could prove it, etc."

Perhaps I'm not the one who should be making the analogy arguement. I'll let him read the entire string of posts. Maybe I'll be proved wrong. Not that I consider a poll of one to be the least bit scientific. Perhaps some of you posters have friends with similar stances as my co-worker and can direct them to these posts and see what they think.

by **R** on Thu, 09/16/2004 - 16:12 | [reply](#)

Re: using the argument

R asked:

Is it something like: Even if Saddam didn't have WMD, he deserved to be overthrown because he was a murderer thief, etc. much the same way that Capone deserved to be in prison whether or not you think tax evasion is a big deal. We just couldn't have brought justice to either one had it not been for the WMD argument and the tax evasion business?

No.

It's that Saddam's posture and role in regional and world affairs made his removal a necessary condition for not losing the war (where 'losing' means becoming increasingly subject to attacks like 9/11 or much worse).

by [Editor](#) on Thu, 09/16/2004 - 16:54 | [reply](#)

2 cases part 2

Small point, to R:

[your friend would say] "Plus we were decieved into thinking the case for war was A when really it was B"

No. "We" [the US, let's say] were presented a "case" (B). This "case" was fine, and succeeded, convincing us to support a war and to support our Congress in authorizing a war.

Later, an effort was made (a foolish one in retrospect, I would argue) to get UN help. Indeed a different, and more specific, "case" (A) was presented to the UN than the one which convinced "us" (B). Case A relied more heavily on "WMD" which is why most people now think it discredited. (For the record: I don't for one damn second think that "Saddam didn't have any WMD" is a true statement.)

Now if your friend thinks that "we were decieved into thinking the case for war was A when really it was B" this is because he has deceived **himself**, in thinking that the "case" which convinced us (B) and the "case" we presented to the UN (A) need to be or even were intended to be one and the same. Case A was not being pitched to **him** in the first place, it was being pitched to the UN Security Council.

And there is no "deception" in presenting different "cases" before different venues with different concerns, interests, and jurisdictions.

At root, the Feds (presumably, unless their priorities were out of whack) wanted to get Capone because he was a **gangster**, not because he evaded taxes. Was Capone's tax-evasion jury, then, "deceived" because the case they heard (one assumes) focused on all that tax-evasion jazz?

2 cases not 1.

-Blix

by a reader on Thu, 09/16/2004 - 17:55 | [reply](#)

R's colleague might be interested in this too

[Tommy Franks, King Abdullah, and WMD.](#)

by [Editor](#) on Thu, 09/16/2004 - 19:40 | [reply](#)

Re: using the arguement

Blixa,

I'm not sure we're on the same page as to what A and B are. The way I'm interpreting the original analogy, A is the "legal" means in which we sold the war and B is the only necessary justification for war. A is the WMD issue (which I agree is far more than him simply possessing stockpiles of them at this exact moment, but for the sake of simplicity let's just call it the WMD issue) B is the murderer/tyrant/thief etc issue.

I don't think "we" (meaning the U.S.) were sold on the war with just B and the U.N. was never sold on the war even with both A and B.

Again, just an interpretation of the original analogy, but I see B as his crimes and threat to the region, and A as his threat to us. I don't ever remember hearing a case made for war based on just B, and having failed to sell it, they came back with A as well.

The reason I still believe that removing him was the right thing to do is that A (the threat to us) is still satisfied even though we didn't find stockpiles of WMD (all those reasons have already been listed by others: his active desire to acquire them, his use of them in the past etc.) In the Capone case A (the tax evasion) is not necessary to justify getting rid of him, it's just the legal means.

Now if you were to re-define A and B so that A = Saddam having stockpiles of WMD right now at this exact second, and B = everything else, including his active desire to acquire them etc., then yes, A is not a necessary justification for the war. But in this case, A is not the legal justification for war, only a small part of it. Most of it being his violations of U.N. resolutions, his links to terrorists, and his growing threat to us. All of which are parts of B.

In answer to my question about what conclusion I want my co-worker to come to as a result of the Capone analogy, the editor writes:

"It's that Saddam's posture and role in regional and world affairs made his removal a necessary condition for not losing the war (where 'losing' means becoming increasingly subject to attacks like 9/11 or much worse)."

I agree that there a lot of compelling arguments to be made so that one might reach this conclusion, but tax evasion is to Capone as WMD is to Saddam, is not getting me there. But again, I could still be missing something.

by a reader on Thu, 09/16/2004 - 20:52 | [reply](#)

WMD stockpiles vs stance

Tax evasion is to Capone as WMD *stockpiles* are to Saddam.

WMD *stance* is a different issue from that of WMD stockpiles.

by **Editor** on Thu, 09/16/2004 - 21:12 | [reply](#)

A better understanding

So it is basically the second scenario I presented. A = WMD stockpiles and B = everything else he's guilty of. But doesn't that mean that anyone who was only sold on the war because of the addition of A to the argument would now be saying that the war was not justified since A turned out to be false? The analogy here would only, at best, be preaching to the choir, and at worst, be more fuel for those who think they were deceived. "Aha! They never needed A to be true, so they played on our fears to justify a war that they wanted to wage even without A. They think WMD stockpiles is just some trivial addendum, akin to tax evasion, that needed to be tacked on to convince us gullible idiots to go along with a war they were already planning on waging."

But then again, you never said anything in your original post about this being a persuasive argument for the unconverted. It's just an interesting way of putting the justification for emphasizing A at the time, when A was never a necessary criteria for those of us who already believed in overthrowing Saddam. In either case, thank you for clarifying the analogy for me.

by a reader on Thu, 09/16/2004 - 22:51 | [reply](#)

Apology

By the way, the last two posts by "a reader" are "R." I just didn't log in on this computer.

And please forgive me for channeling Al Gore in my last post. It won't happen again.

R

by a reader on Thu, 09/16/2004 - 22:59 | [reply](#)

A & B

R,

To try not to make this needlessly confusing let me start by giving you my definitions in my analogy (which may slightly differ from **The World's** BTW). You had introduced cases A & B into the mix with this hypothesized retort: "we were deceived into thinking the case for war was A when really it was B". From this I surmised that A=WMD and B=Saddam_is_a_bad_man (to speak very loosely ;-). From this I got the general pattern (please correct me if I'm wrong):

B: the "real reasons" we wanna go after him

A: what can we get him on / spur a jury into action with?

Notice that B applies to us (what convinced *us*, the "police" or actors who have decided to do this thing?), whereas A is an argument presented to some specific *jury* (and has no general

moral applicability outside of that jury, not even necessarily with us).

In Capone's case this plays out as follows:

B: he's a damn dirty gangster, just plain trouble, smashes

underlings with baseball bats (at least in Robert Deniro version)

A: he evaded taxes and we can prove it before you 12 of his peers

In Saddam's case we all agree that

A: "WMD" etc. The "jury" being, the UN Security Council.

But there is confusion about B. You complain, "I don't ever remember hearing a case made for war based on just B". This is to misunderstand case B (the way I'm using it, anyway). Case B = our reasons for doing it *by definition*. Thus, *whatever* our reasons - more to the point Congress's reasons - for supporting the war, I'm bundling them up and calling them "Case B". Case B in fact happens to include aspects of Case A (WMD), it's just not **limited** to Case A (which is one of the main things so many fail to grasp, and why the Capone analogy is necessary).

It's hard to pin down exactly what our case B was for deciding on war, but a good objective place to start might be to examine the war powers declaration passed by Congress. You'll see that it mentions WMD but it mentions lotsa other stuff too. Well, **that's** Case B. That's why we (through our Congressmen) decided to do the war, for better or worse. We/they can't have been "tricked" into supporting it for some other reasons, because after all Congress wrote down their reasons, voted on it, and it passed. End of that phase of the "trial".

Case A was for a *different trial phase* in front of a *different jury*, the UN. Case A was not for your friend, nor for me, nor for Congress. It was for the UN Security Council. And it failed. Your friend should not have been "tricked" into thinking case A was "the" case for war because he should have, rather, understood that case A was tailored toward a specific jury (the UN Security Council), and not him. The case which was pitched, indirectly, to him (case B) had *already succeeded*, in October 2002. After this point he, and I, and you, were irrelevant to the debate. Our part in the "trial" had concluded.

Now obviously your friend is not alone in feeling "tricked". This is what bothered me about Bush caving to Powell and Blair and deciding to go to the UN in the first place, because (in addition to the fact that it gave Saddam time to ship his WMDs out of country and plead innocent - which, I believe, is exactly what he did!) I knew that it would warp the debate in precisely this manner, by causing a myopic focus on "WMD". Bush had **already** gotten a War Powers vote but by going to the UN, and (*necessarily*) tailoring his argument for the UN only, it was inevitable that a lot of US observers would get the idea that those arguments *and those arguments alone* constituted the "case for war", as if there was still something to discuss. In US terms, there wasn't.

So if your friend was "tricked" into thinking we went to war

"because of WMD" that is because he did not understand that the WMD pitch (case A) was never intended for him in the first place. The only case which was intended for him (case B) was conducted via open and honest debate (well, we presume ;-) in the halls of Congress. It succeeded. A majority of our representatives were convinced by it. After the fact they, and your friend, and I, can still go back and look up just what exactly the "case" was based on. It's written down in the War Powers Resolution. No "trickery", just confusion about just what exactly the purpose of the UN debate was: it wasn't for deciding whether there would be a war, but whether the UN would help. (It didn't.)

The Capone analogy, if understood, helps clarify that confusion.

by a reader on Fri, 09/17/2004 - 00:02 | [reply](#)

P.S.

And just to be clear, I see that your construction is A=WMD, B=everything else besides WMD. That's not my construction. Mine is: A=WMD, B=everything which convinced a majority of Congress to vote "yes" on War Powers, *including* perhaps WMD if and where applicable.

this has been,

-Blix

by a reader on Fri, 09/17/2004 - 00:05 | [reply](#)

The War Powers Resolution

FYI, folks.

by [Editor](#) on Fri, 09/17/2004 - 00:40 | [reply](#)

Purpose of the Argument

With due credence to the existence of R's friend, I suspect that there are very few people in the world who were for the war when it was about WMD, but have now changed their mind since said weapons have failed to materialise. I do not believe this is how people's convictions tend to work. It seems to me more likely that a number of people who support the war felt comfortable about their convictions when they believed the issue was WMD, but now that the consensus is that it wasn't/isn't have become uncomfortable because they cannot find an explicit argument to support their convictions.

Perhaps the purpose of this post was to provide said argument in order to restore faith to such people.

Socrates

by a reader on Sun, 09/19/2004 - 23:42 | [reply](#)

re: purpose of argument

I think we can all agree that most Americans were either in the pro-war faction or the anti-war faction before the WMD stockpiles argument was introduced, and for the most part their position was unaffected by it. But there has to be a significant group that falls between these groups, right? People who changed their minds about the war after being convinced that Saddam had WMD, even if most people at **The World** agree that the argument wasn't for them?

Upon further reflection, and deeper discussions with my friend, I think the answer may be a little more complicated. I think it may be a version of liberal guilt.

My friend is a liberal who was deeply affected, as we all were, by 9/11. He's from New York. He was angry. He got caught up, in what he believes, was the frenzy of post 9/11 anger. At the time he was easily convinced that Saddam was a threat to us, but now, with the dissipation of that initial anger, the clear thinking liberal has reemerged and feels bad. And if he feels bad, he must be a victim. He was duped. One part of Bush's argument turned out to not be true, so that must be the argument that convinced him to go astray from his normal views. He was deceived. Perhaps not out right lied to, but he figures Bush told his guys (and apparently the intelligence services of like seven other countries including Russia and Jordan, but I digress) to find stuff for him to use in the argument. No one working for Bush was going to win any gold stars by bringing up the idea that the WMD intelligence was unreliable, or the link between Saddam and AQ was shaky. Or so the thinking goes.

I know this seems to have gone a bit off topic, but to bring it back to the Capone analogy and how it might possibly prove useful with this group of people – I'm still not sure. No one wants to be told that they're remembering history wrong; that they were for the war without the WMD argument, and only think that was what convinced them, but we at **The World** forums know better. And even if they are convinced, I don't think it will change their position on the war, it will only make them feel worse about their initial wrong headedness.

by **R** on Mon, 09/20/2004 - 15:51 | [reply](#)

41st post!

R, again, it might **not** prove useful. That's ok.

I wouldn't presume to tell someone they're "remembering history wrong" or what they were for the war, er, for. If your friend were to tell me he opposed the war w/o WMD but favored it with, I might think it weird but I'd certainly **believe** him.

This isn't about what **your friend** was for the war for. It's about what **our Congress** was for the war for. This opinion (of Congress) can have been different, in various ways, from the opinion of your friend, as it was different from the opinions of Noam

Chomsky or Pat Buchanan. Indeed it could have been slightly different for each Congressman who voted Yes. There's nothing wrong with or unusual about any of that. I have disagreements with Congress myself on various things.

My point is that Congress had a collection of reasons for thinking war with Iraq was warranted, but only a subset, and not necessarily a pivotal subset (WMD), was actionable before the UNSC when (unsuccessfully) trying to get them on board. You're saying that (for whatever reason) it was precisely that subset which was seemingly most important to your friend; that, for him, WMD **was** the pivotal issue.

I suspect the resolution then is to say to your friend, If WMD was the pivotal issue for you then (assuming "no WMD") yes I certainly understand why you now feel the war was bad (or whatever). There's no arguing with this; "Saddam had no WMD!", rightly or wrongly, is now the Conventional Wisdom, and thus someone with your friend's WMD-pivotal view, necessarily, de-supports the war. As is his right.

My only problem would be if he claims that WMD was pivotal in some **objective** sense, external to his private priorities. In other words, if he got his idea that "the war was only justified with WMD" **from the UN debate**, I think that would be wrong because that would represent a distinct failure to understand what was actually being attempted before the UN. At the UN we were **not** attempting to make a case for "There Should Be A War" but, rather, for "The UN Should Help".

To conclude from observing the **latter** case that "it was all about WMD" is like observing Al Capone's tax evasion trial and concluding that federal prosecutors, the FBI, etc care more about tax evasion than about racketeering and murder. Again, it's ok if your **friend** actually has those WMD-centric priorities (war ok if WMD, not if not), just not if he continues to try to claim that this somehow objectively follows **from the fact that the UN debate focused on WMDs**. It doesn't. Best,

--Blixa

by a reader on Mon, 09/20/2004 - 23:25 | [reply](#)

42 42 42

assuming blixa can count, i get post 42. mwahahaha

-- Elliot Temple

<http://www.curi.us/>

by [Elliot Temple](#) on Tue, 09/21/2004 - 00:12 | [reply](#)

what ideas appeal to who

just a random example of how unpredictable it is: of the very few

strangers who've liked my blog enough to email me, two are in porn/sex industry. and they are both leftists, too. who would have predicted that?

-- Elliot Temple
<http://www.curi.us/>

by **Elliot Temple** on Tue, 09/21/2004 - 21:20 | [reply](#)

Not controversial among historians?

"Prohibition brought into being a new kind of criminal—the bootlegger. The career of Al Capone was a dramatic instance of the development of bootlegging on a large scale. His annual earnings were estimated at \$60,000,000. The rise of the bootlegging gangs led to a succession of gang wars and murders. A notorious incident was the St. Valentine's Day Massacre in Chicago in 1929, when the Capone gang shot to death seven members of the rival "Bugs" Moran gang. Historians of the underworld, however, suggest that by the late 1920s bootlegging was on the verge of semimonopoly control and that the end of gang wars was approaching." Encyclopaedia Britannica, article "Prohibition"

The article on "Al Capone" is more nuanced, but still implies that Capone was a product of the creation of victimless crimes.

by a reader on Sat, 10/16/2004 - 03:42 | [reply](#)