

January, 29, 2004

Dear Secretary General Annan,

U.S. President George W. Bush again confirmed his intention to continue waging wars of aggression in his State of the Union message on January 20, 2004.

He began his address:

“ As we gather tonight, hundreds of thousands of American service men and women are deployed across the world in the war on terror. By bringing hope to the oppressed, and delivering justice to the violent, they are making America more secure.”

He proclaimed:

“ Our greatest responsibility is the active defense of the American people... America is on the offensive against the terrorists...”

Continuing, he said:

“ ...our coalition is leading aggressive raids against the surviving members of the Taliban and Al Qaeda.... Men who ran away from our troops in battle are now dispersed and attack from the shadows.”

In Iraq, he reported:

“ Of the top 55 officials of the former regime, we have captured or killed 45. Our forces are on the offensive, leading over 1,600 patrols a day, and conducting an average of 180 raids a week....”

Explaining his aggression, President Bush stated:

“ ...After the chaos and carnage of September the 11th, it is not enough to serve our enemies with legal papers. The terrorists and their supporters declared war on the United States and war is what they got.”

Forget law. No more legal papers, or rights. Forget truth. The claim that either Afghanistan, or Iraq declared war on the U.S. is absurd. The U.S. chose to attack both nations, from one end to the other, violating their sovereignty and changing their "regimes", summarily executing thousands of men, women and children in the process. At least 40,000 defenseless people in Iraq have been killed by U.S. violence since the latest aggression began in earnest in March 2003 starting with its celebrated, high tech, terrorist "Shock and Awe" and continuing until now with 25, or more, U.S. raids daily causing mounting deaths and injuries.

All this death-dealing aggression has occurred during a period, Mr. Bush boasts, of "over two years without an attack on American soil". The U.S. is guilty of pure aggression, arbitrary repression and false portrayal of the nature and purpose of its violence.

President Bush's brutish mentality is revealed in his condemnations of the "killers" and "thugs in Iraq" "who ran away from our troops in battle". U.S. military expenditures and

technology threaten and impoverish life on the planet. Any army that sought to stand up against U.S. air power and weapons of mass destruction in open battle would be annihilated. This is what President Bush seeks when he says "Bring 'em on."

President Bush declared his intention to change the "Middle East" by force.

“ As long as the Middle East remains a place of tyranny and despair and anger, it will continue to produce men and movements that threaten the safety of America and our friends. So America is pursuing a forward strategy of freedom in the greater Middle East. We will challenge the enemies of reform, confront the allies of terror, and expect a higher standard from our friends.”

“...America is a nation with a mission... we understand our special calling: This great republic will lead the cause of freedom.”

He extended his threat to any nation he may choose:

“ As part of the offensive against terror, we are also confronting the regimes that harbor and support terrorists, and could supply them with nuclear, chemical or biological weapons. The United States and our allies are determined: We refuse to live in the shadow of this ultimate danger.”

President Bush's utter contempt for the United Nations is revealed in his assertion that the United States and other countries "have enforced the demands of the United Nations", ignoring the refusal of the U.N. to approve a war of aggression against Iraq and implying the U.N. had neither the courage nor the capacity to pursue its own "demands".

His total commitment to unilateral U.S. action, was asserted by President Bush when he sarcastically referred to the "permission slip" a school child needs to leave a classroom: " America will never seek a permission slip to defend the security of our people".

President Bush intends to go it alone, because his interest is American power and wealth alone, though he prefers to use the youth of NATO countries and others as cannon fodder in his wars.

President Bush believes might makes right and that the end justifies the means. He declares:

“ ...the world without Saddam Husseins regime is a better and safer place".

So U.S. military technology which is omnicidal- capable of destroying all life on the planet-will be ordered by President Bush to make the world "a better and safer place" by destroying nations and individuals he designates.

President Bush presided over 152 executions in Texas, far more than any other U.S. governor since World War II. Included were women, minors, retarded persons, aliens in violation of the Vienna Convention on Diplomatic Relations and innocent persons. He never acted to prevent a single execution. He has publicly proclaimed the right to

assassinate foreign leaders and repeatedly boasted of summary executions and indiscriminate killing in State of the Union messages and elsewhere.

The danger of Bush unilateralism is further revealed when he states:

“ Colonel Qaddafi correctly judged that his country would be better off, and far more secure without weapons of mass murder. Nine months of intense negotiations involving the United States and Great Britain succeeded with Libya, while 12 years of diplomacy with Iraq did not.”

Forget diplomacy, use "intense negotiations". If President Bush believed it was "diplomacy", which maintained genocidal sanctions against Iraq for twelve years that failed, rather than an effort to crush Iraq to submission, then why didn't he use "nine months of intense negotiations" to avoid a war of aggression against Iraq? He was President for nearly twenty seven months before the criminal assault on Iraq, he apparently intended all along. Iraq was no threat to anyone.

What President Bush means by "intense negotiations" includes a threat of military aggression with the example of Iraq to show this in no bluff. The Nuremberg Judgment held Goerings threat to destroy Prague unless Czechoslovakia surrendered Bohemia and Moravia to be an act of aggression.

If Qaddafi "correctly judged his country would be better off, and far more secure, without weapons of mass murder", why would the United States not be better off, and far more secure, if it eliminated all its vast stores of nuclear weapons? Is not the greatest danger from nuclear proliferation today without question President Bush's violations of the Non Proliferation (NPT), ABM and Nuclear Test Ban treaties by continuing programs for strategic nuclear weapons, failing to negotiate in good faith to achieve "nuclear disarmament" after more than thirty years and development of a new generation of nuclear weapons, small "tactical" weapons of mass murder, which he would use in a minute? Has he not threatened to use existing strategic nuclear weapons? The failure of the "nuclear weapon State Party(s)" to the NPT to work in good faith to achieve "nuclear disarmament" these past 36 years is the reason the world is still confronted with the threat of nuclear war and proliferation.

None of the many and changing explanations, excuses, or evasions offered by President Bush to justify his war of aggression can erase the crimes he has committed. Among the less invidious misleading statements, President Bush made on January 20, 2004 was: " Already the Kay Report identified dozens of weapons of mass destruction-related program activities and significant amounts of equipment that Iraq concealed from the United Nations."

Three days later, Dr. Kay told Reuters he thought Iraq had illicit weapons at the end of the 1991 Persian Gulf War, but that by a combination of U.N. inspections and Iraq's own decisions, "it got rid of them". He further said it "is correct" to say Iraq does not have any large stockpiles of chemical or biological weapons in the country. He has added that no evidence of any chemical or biological weapons have been found in Iraq.

Iraq did not use illicit weapons in the 1991 Gulf war. The U.S. did - 900 tons plus of depleted uranium, fuel air explosives, super bombs,, cluster bombs with civilians and civilian facilities the "direct object of attack". The U.S. claimed to destroy 80% of Iraq's military armor. It dropped 88,500 tons of explosives, 7 1/2 Hiroshima's, on the country in 42 days. Iraq was essentially defenseless. Tens of thousands of Iraqi soldiers and civilians perished. The U.S. reported 157 casualties, 1/3 from friendly fire, the remainder non combat.

U.N. inspectors over more than 6 years of highly intrusive physical inspections found and destroyed 90% of the materials required to manufacture nuclear, chemical and biological weapons. U.N. sanctions imposed August 6, 1990 had caused the deaths of 567,000 children under age five by October 1996, the U.N. FAO reported. Twenty four percent of the infants born live in Iraq in 2002 had a dangerously low birth weight below 2 kilos, symbolizing the condition of the whole population.

In March 2003 Iraq was incapable of carrying out a threat against the U.S., or any other country, and would have been pulverized by U.S. forces in place in the Gulf had it tried.

More than thirty five nations admit the possession of nuclear, chemical and/or biological weapons. Are these nations, caput lupinum, lawfully subject to destruction because of their mere possession of WMDs? The U.S. possesses more of each of these impermissible weapons than all other nations combined, and infinitely greater capacity for their delivery anywhere on earth within hours. Meanwhile the U.S. increases its military expenditures, which already exceed those of all other nations on earth combined, and its technology which is exponentially more dangerous.

The U.N. General Assembly Resolution on the Definition of Aggression of December 14, 1974 provides in part:

Article 1: Aggression is the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State;

Article 2: The first use of armed force by a State in contravention of the Charter shall constitute prima facie evidence of an act of aggression;

Article 3: Any of the following acts ... qualify as an act of aggression:

(a) The invasion or attack by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack;

(b) Bombardment by the armed forces of a State against the territory of another State or the use of any weapons by a State against the territory of another State;

(c) The blockade of the ports or coasts of a State by the armed forces of another State;

(d) An attack by the armed forces of a State on the land, sea or air forces, or marine and air fleets of another State.

If the U.S. assault on Iraq is not a War of Aggression under international law, then there is no longer such a crime as War of Aggression. A huge, all powerful nation has assaulted a small prostrate, defenseless people half way around the world with "Shock and Awe" terror and destruction, occupied it and continues daily assaults. President Bush praises U.S. soldiers' "...skill and their courage in armored charges, and midnight raids." which terrorize and kill innocent Iraqis, women, children, families, nearly every day and average 180 attacks each week.

The first crime defined in the Constitution annexed to the Charter of the International Military Tribunal (Nuremberg) under Crimes Against Peace is War of Aggression. II.6.a. The Nuremberg Judgment proclaimed:

“ The charges in the indictment that the defendants planned and waged aggressive war are charges of the utmost gravity. War is essentially an evil thing. Its consequences are not confined to the belligerent states alone, but affect the whole world.”

To initiate a war of aggression, therefore, is not only an international crime, it is the supreme international crime...

The "seizure" of Austria in March 1938 and of Bohemia and Moravia from Czechoslovakia in March 1939 following the threat to destroy Prague were judged to be acts of aggression by the Tribunal even in the absence of actual war and after Britain, France, Italy and Germany had agreed at Munich to cede Czechoslovakia's Sudetenland to Germany.

The first conduct judged to be a war of aggression by Nazi Germany was its invasion of Poland in September 1939. There followed a long list, Britain, France, Denmark, Norway, Belgium, Holland, Luxemburg, Yugoslavia, Greece. The attack on the USSR, together with Finland, Romania and Hungary, was adjudged as follows:

It was contended for the defendants that the attack upon the U.S.S.R. was justified because the Soviet Union was contemplating an attack upon Germany, and making preparations to that end. It is impossible to believe that this view was ever honestly entertained.

The plans for the economic exploitation of the U.S.S.R., for the removal of masses of the population, for the murder of Commissars and political leaders, were all part of the carefully prepared scheme launched on 22 June without warning of any kind, and without the shadow of legal excuses. It was plain aggression.

The United Nations cannot permit U.S. power to justify its wars of aggression if it is to survive as a viable institution for ending the scourges of war, exploitation, hunger, sickness and poverty. Comparatively minor acts and wars of aggression by the United States in the last 20 years, deadly enough for their victims, in Grenada, Libya, Panama, Haiti, the Dominican Republic, Sudan, Yugoslavia, Cuba, Yemen with many other nations threatened, sanctioned, or attacked, some with U.N. complicity and all without effective United Nations resistance, made the major deadly wars of aggression against

Afghanistan and Iraq possible.

Failure to condemn the massive U.S. war of aggression and illegal occupation of Iraq and any U.N. act providing colorable legitimacy to the U.S. occupation will open wide the gate to further, greater aggression. The line must be drawn now.

The United Nations must recognize and declare the U.S. attack and occupation of Iraq to be the war of aggression it is. It must refuse absolutely to justify, or condone the aggression, the illegal occupation and the continuing U.S. assaults in Iraq. The U.N. must insist that the U.S. withdraw from Iraq as it insisted Iraq withdraw from Kuwait in 1990.

There must be no impunity or profit for wars of aggression.

The U.S. and U.S. companies must surrender all profits and terminate all contracts involving Iraq.

There must be strict accountability by U.S. leaders and others for crimes they have committed against Iraq and compensation by the U.S. government for the damage its aggression has inflicted on Afghanistan and Iraq, the peoples injured there and stability and harm done to world peace.

This must be done with care to prevent the eruption of internal divisions, or violence and any foreign domination or exploitation in Iraq. The governance of a united Iraq must be returned to the diverse peoples who live there, acting together consensually in peace for their common good as soon as possible.

Sincerely,

Ramsey Clark

The identical letter has been sent to:
Members of the UN Security Council
The President of the UN General Assembly
The Secretary General of the UN
The President of the United States