

Vern Ehlers – A War Criminal?

We are here today to hold Representative Vern Ehlers accountable for crimes violating both international and constitutional law. By supporting the Bush administration in their unrelenting drive to war, Congressman Vern Ehlers, as well as any other Representative or Senator that support this impending war, will be complicit in crimes against humanity.

Articles 41 and 42 of the U.N. Charter declare that no member state has the right to enforce any resolution with armed force unless the Security Council decides there has been a material breach of its resolution, and determines that all nonmilitary means of enforcement have been exhausted. Then, the Council must specifically authorize the use of military force. The Security Council has not authorized any use of force for subsequent violations involving Iraq, and at this point appears very unlikely to do so. Despite this, the Bush administration has repeatedly claimed that they will go to war with Iraq regardless of what the Security Council decides. This would be a violation of International Law.

The U.N. charter is a treaty and part of the supreme law of the United States under Article 6, clause 2 of the Constitution. . It requires the United States to settle all disputes by peaceful means and not use military force in the absence of an armed attack. The U.N. Charter empowers only the Security Council to authorize the use of force, unless a member state is acting in individual or collective self-defense. Iraq has not attacked this country, or any other country in the past 11 years. None of Iraq's neighbors have appealed to the Security Council to protect them from an imminent attack by Iraq. Any war against Iraq without the approval of the U.N. Security Council is therefore not only a violation of the U.N. Charter, but also a violation of the U.S. Constitution as well.

Article I, section 8 of the Constitution empowers Congress, not the president, to debate and decide to declare war on another country. The War Powers Resolution provides that the “constitutional powers of the President as Commander-in-Chief to introduce United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, are exercised only pursuant to (1) a declaration of war, (2) specific statutory authorization, or (3) a national emergency created by attack upon the United States, its territories, or possessions or its armed forces.” Congress has not declared war on Iraq, no statute authorizes an invasion and Iraq has not attacked the United States, its territories, possessions or armed forces. In supporting the Bush administration in waging war on Iraq, Congressman Ehlers is remiss in his own duties as an elected member of congress by abdicating the authority to wage war to the executive branch.

For twelve years Iraq has suffered under an extreme sanction regime that has prevented it from purchasing necessary foodstuffs, medicine, and materials essential to rebuilding destroyed infrastructure. The result of these sanctions has been the death of 5000 Iraqi children a month from what would otherwise be preventable disease and malnutrition and standard of living conditions that are the worst in the region. According to the Geneva

Conventions - 1977 Part IV, Section 1, Chapter III, Article 54:“Starvation of civilians as a method of warfare is prohibited. It is prohibited to attack, destroy, remove, or render useless objects indispensable to the agricultural areas for the production of foodstuffs, crops, livestock, drinking water installations and supplies, and irrigation works, for the specific purpose of denying them for their sustenance value to the civilian population or to the adverse Party, whatever the motive”. These sanctions violate international law and are contrary to the letter and spirit of the Universal Declaration of Human Rights, which states “Everyone has the right to a standard of living adequate for the health and well being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age, or other lack of livelihood in circumstances beyond his control.” Despite both the dubious legality and horrendous moral ramifications of the Iraqi sanctions, Representative Ehlers has continued to support them.

According to the Charter of the Nuremberg Tribunal, which was accepted by the U.N. as International law, “any person who commits an act which constitutes a crime under international law is responsible therefore and liable to punishment” (article I). Furthermore, “The fact that a person who committed an act which constitutes a crime under international law acted as Head of State or responsible Government official does not relieve him from responsibility under international law”(article III). We are here today to say that any member of congress that supports a preemptive war in Iraq or the continuation of the sanctions is, by the standards set by the Allied forces at the end of WWII, a war criminal.