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Points to Ponder at Five Minutes before Midnight

by Jacob G. Hornberger

On the eve of the U.S. government's upcoming invasion of Iraq, we might want to ponder some important points:

1. The invasion will be illegal under the supreme law of the United States. Our Constitution, which is the law that binds the conduct of our public officials, requires a congressional declaration of war before the president can wage war against another country. The Constitution also does not authorize the Congress to delegate the power to declare war to the president. Thus, since there's no congressional declaration of war against Iraq, the invasion — and the resulting death and destruction — will be unlawful under our form of government.

2. Only the United Nations, as an organization, has the authority to enforce violations of UN resolutions. As a member of the UN, the United States can request a resolution authorizing the use of force against Iraq for breach of UN resolutions. In the absence of such a resolution, however, the United States has no legal authority to use force to enforce the UN's resolutions. Therefore, a U.S. government attack on Iraq based on Iraq's alleged violations of UN resolutions will be unlawful under the UN Charter.

(Note: Under our form of constitutional government, a UN resolution authorizing war against Iraq would still not obviate the need for the president to secure a congressional declaration of war against Iraq. Under our Constitution, a congressional declaration of war remains a necessary legal prerequisite to the president's waging war against another country, either unilaterally or multilaterally.)

3. An invasion of Iraq is certain to produce more terrorism against Americans by Iraqis, Middle Easterners, and Muslims around the world, including Osama bin Laden and al-Qaeda, and perhaps even by Europeans, who will feel even more anger and hatred for the United States after the invasion takes place than they do now.

Keep in mind that bin Laden's most recent call to arms for terrorism against Americans is not the first one that he and his cohorts have issued. After the 1993 terrorist attack on the World Trade Center, one of the convicted terrorists told the federal judge at sentencing that one of his principal motivations for carrying out the attack was the deaths of thousands of Iraqi children inflicted by the U.S. government, primarily from the UN sanctions against Iraq that the U.S. government has enforced since the end of the Gulf War.

After the 1993 attack on the World Trade Center, Osama bin Laden issued his "declaration of war" against the United States and again cited the deaths of the Iraqi children as a principal reason for his declaration.

Despite those warnings of more terrorism and despite the increasing number of deaths of Iraqi children arising from the sanctions, the U.S. government steadfastly and obstinately continued enforcing the sanctions, the consequences of which were falling most heavily on the Iraqi children, all the way up to September 11 and beyond.

Here are some Internet links to articles describing the horrific and deadly results of the sanctions as well as the results of bombing in the "no-fly zones" and the results of the radiation ammunition used by U.S. forces in the Gulf War:

"Iraq: Paying the Price," by John Pilger (<http://pilger.carlton.com/iraq/impact>)

"Iraq's Children Suffer As War Looms," by Caroline Hawley
(http://news.bbc.co.uk/2/hi/middle_east/2290202.stm)

"The Silent War," by Leah C. Wells (<http://commondreams.org/views02/1017-09.htm>)

"Iraq's Shortage of Medicine May Grow More Severe," by Peter Baker
(www.washingtonpost.com/wp-dyn/articles/A8995-2002Dec18.html)

"Letter from Iraq: The Children's Ward," by Meenakshi Ganguly
(www.time.com/time/world/article/0,8599,411366,00.html)

"Economic Sanctions against Iraq as a Tool of Foreign Policy," by Robert McGee
(www.fff.org/comment/com0302k.asp)

"Letter from Iraq," by Jeremy Scahill
(www.thenation.com/doc.mhtml?i=20030303&s=scahill)

"Iraq Revisited," by Larry Johnson (<http://seattlepi.nwsource.com/iraq2002/index.asp>)

"Life and Death in Iraq," by Larry Johnson (<http://seattlepi.nwsource.com/iraq>)

"Iraq's Troubled Children of War," by Olivia Ward
(www.thestar.com/NASApp/cs/ContentServer?pagename=thestar/Layout/Article_Type1&c=Article&cid=1035776772542&call_pageid=968332188854&col=968350060724)

"Casualties of an 'Undeclared War,'" by Peter Baker

(www.washingtonpost.com/wp-dyn/articles/A23834-2002Dec21.html)

“In Baghdad, There’s Little Romance in Music by Candlelight,” by Neil MacFarquhar
(www.nytimes.com/2002/12/26/international/middleeast/26BAGH.html)

“Iraqis’ Suffering Can Be Made Worse,” by Barbara Stocking
(www.iht.com/articles/81437.html)

“A Silver Bullet’s Toxic Legacy,” by Scott Peterson
(www.csmonitor.com/2002/1220/p01s04-wome.html)

“The Secret War on Iraq,” by John Pilger
(www.mirror.co.uk/news/allnews/page.cfm?objectid=12463182&method=full&siteid=50143)

“Run-Down Iraqi Hospitals Struggle to Treat Cancers Linked to Gulf War Bombing,” by Elizabeth Neuffer (www.smh.com.au/articles/2003/01/26/1043533954183.html)

“Report from Bhagdad: The Growing Anxiety,” by Ben Granby
(<http://commondreams.org/views03/0209-09.htm>)

“Vulnerable but Ignored: How Catastrophe Threatens the 12 Million Children of Iraq,” by Leonard Doyle (http://news.independent.co.uk/world/middle_east/story.jsp?story=377622)

“Report: Death, Disease Await Iraqi Kids,” by Hamza Hendawi
(<http://www.navytimes.com/story.php?f=1-292925-1535530.php>)

“In Baghdad, War’s Shadow Never Far Off amid Everyday Life,” by Charles J. Hanley
(www.theolympian.com/home/news/20021222/frontpage/32903.shtml)

“Stockpiling Popularity with Food,” by Rajiv Chandrasekaran
(www.washingtonpost.com/ac2/wp-dyn/A16499-2003Feb2?language=printer)

“Bewildered Iraqis Ask Why U.S. Wants War,” by John Daniszewski (www.latimes.com/la-fg-mood13feb13001441,0,1075623.story)

“City of Contrasts Prepares for the Inevitable,” by Janine di Giovanni
(www.timesonline.co.uk/article/0,,3-569984,00.html)

“How Sanctions Destroy Iraqi Education” by Michael Wolff
<http://www.antiwar.com/orig/wolff2.html>

“Death and Despair Await Iraqi Civilians,” by Cesar Chelala
(www.japantimes.co.jp/cgi-bin/geted.pl5?eo20030208a1.htm)

Ask yourself: If the deaths of the Iraqi children from UN sanctions motivated al-Qaeda to mount two separate attacks on the World Trade Center — one in 1993 and the other in 2001 — why in the world would an invasion of Iraq, which will kill even more Iraqi people, including children, not motivate al-Qaeda to do more of the same? (Duh!) Who could be surprised by that consequence of the upcoming invasion? That’s undoubtedly the reason that the CIA and foreign intelligence services keep telling President Bush and the American people, If you invade Iraq, expect more terrorism.

Why did the president and his cohorts steadfastly avoid linking the terrorist attacks and the deaths of the Iraqi children? Because after September 11, the last thing that they wanted was for the American people to figure out that it was the U.S. government's foreign policy, and specifically the sanctions against Iraq, that lay behind the attacks on the World Trade Center, both in 1993 and in 2001.

That's why they immediately spun the September 11 attacks as being rooted in hatred for America's "freedom and values." Otherwise, if the truth had been known, Joe Six-Pack might have asked the obvious question: "You mean to tell me that if we had just stopped killing innocent children in Iraq, those people in the World Trade Center might still be alive today?"

(The situation was the same after Timothy McVeigh's terrorist attack in Oklahoma City. Many people undoubtedly convinced themselves that the attack occurred because McVeigh, a Gulf War veteran, hated America for its "freedom and values," not because he was motivated to avenge the federal killings at Waco. Thus those people were relieved of having to confront the wrongdoing of their federal officials at Waco.)

There are undoubtedly those who say that the U.S. government's universal love and concern for children would never permit it to maintain a policy that kills children, but they are simply incorrect. The U.S. government knowingly and intentionally gassed innocent Branch Davidian children at Waco and to this day U.S. officials have absolutely no remorse for that action. Federal officials shot a child in the back at Ruby Ridge and endangered the life of a baby when they shot his mother in the head while she was holding the baby in her arms; that was followed by intentional and deliberate perjury and obstruction of justice by officials of the Justice Department in official federal proceedings relating to the Ruby Ridge events.

Federal indifference to the plight of the Iraqi children was summarized in 1966 by the U.S. ambassador to the UN, Madeleine Albright, in a statement made to *60 Minutes* that the deaths of the Iraqi children had been "worth it," a statement that has never been condemned by any high U.S. officials.

5. The Bush administration's new-found fear that Saddam Hussein is about to use weapons of mass destruction against the United States was not shared by his father, the first President Bush, or by any of his cohorts, including the current secretary of defense, Donald Rumsfeld, who were the ones who entrusted Saddam Hussein with the chemical, biological, and nuclear armaments that are now being cited as the reason for invading Iraq. Here are just a few of the references, which unfortunately both the Congress and the mainstream press have chosen not to examine too closely:

Iraq Used Many Suppliers for Nuke Program," by Dafna Linzer

(http://story.news.yahoo.com/news?tmpl=story&u=/ap/20021218/ap_on_re_mi_ea/iraq_nuclear_4
)

“Iraq Got Germs for Weapons Program from U.S. in '80s,” by Matt Kelley
(www.philly.com/mld/philly/news/nation/4185241.htm)

“Following Iraq’s Bioweapons Trail,” by Robert Novak
(<http://foi.missouri.edu/terrorbkgd/following.html>)

“A Tortured Relationship,” by Chris Bury
(http://abcnews.go.com/sections/nightline/DailyNews/us_iraq_history_1_020917.html)

“Officers Say U.S. Aided Iraq in War despite Use of Gas,” by Patrick E. Tyler
(www.nytimes.com/2002/08/18/international/middleeast/18CHEM.html?ex=1030606992&ei=1&en=078f424219c1eb05)

“Rumsfeld Key Player in Iraq Policy Shift,” by Robert Windrem
(www.msnbc.com/news/795649.asp)

“Leaked Report Says German and U.S. Firms Supplied Arms to Saddam,” by Tony Patterson
(<http://news.independent.co.uk/world/politics/story.jsp?story=362566>)

“Germany was ‘Key Supplier’ of Saddam Supplier” by John Hooper and Suzanne Goldenberg
(<http://www.guardian.co.uk/Iraq/Story/0,2763,861902,00.html>)

“Reaping the Grim Harvest We Have Sown,” by Anne Summers
(www.smh.com.au/articles/2003/02/02/1044122258580.html)

Thus, given that Bush’s own dad trusted Saddam not to use the weapons against the United States and given that Saddam has never used the weapons that Bush’s dad gave him against the United States, despite having more than 15 years in which to do so, Bush’s new-found fear as a basis for invading Iraq rings hollow.

But one thing is certain: Before he goes down, Saddam will use those weapons with as much vengeance as he can. Isn’t that what Hitler did when he was cornered? Isn’t that what any rattlesnake does under similar circumstances?

6. Why are so many Americans supporting the invasion of Iraq, especially given that it is going to carry such a high price in terms of more terrorism and more hatred by people all over the world, including longstanding friends and allies in Europe? (At least proponents of the war are not claiming that Europeans now hate America for its “freedom and values” or that Europe had been overtaken by Islamic religious fervor; to their credit, they are admitting that Europeans now hate America for its arrogant, interventionist foreign policy—the same reason that Middle Easterners do.)

One reason for Americans’ unconditional support of their federal government in foreign affairs is the concept of the “good citizen” that has been taught in public schools ever since

compulsory education was imported from Germany to the United States. The “good citizen,” German or American, loyally comes to the aid of his government and its troops, especially in times of crisis or war, no questions asked. To do otherwise is considered “unpatriotic” and maybe even treasonous. (When you stop to think about it, mandatory state schooling is simply a soft version of conscripted state military training.)

If President Bush were to announce tomorrow that he had decided against an invasion of Iraq, most of the Americans who are currently supporting him, including those who can’t sleep at night for fear that Saddam is going to break down their door and get them (which was the way they felt about Osama a year ago when the feds were pounding that fear into their heads on a daily basis), would fall in lockstep behind the president and proudly say, “We must continue supporting our president, just as we were taught in our public schools, because he is our commander in chief. He knows best.”

Another reason is what might be called the “battered-spouse syndrome” as applied to the federal government. Despite all the abuse that the federal government inflicts on the American people by the IRS, the DEA and the drug war, ATF, regulators, and bureaucrats, the American people continue to embrace their abuser, much as the battered spouse does.

“He ain’t the best husband, I know that, but he loves me, he’s asked for my forgiveness, and I’m standing by my man.”

But what about the bruises on your face?

“He’s promised he won’t do it again. Last night, he told me he still loves me. I’m standing by my man!”

“Sure, the federal government makes mistakes, but what government doesn’t? Okay, it gave chemical, biological, and nuclear weaponry to Saddam, but it was just an honest mistake. Okay, it performed chemical, biological, and radiation experiments on unsuspecting U.S. servicemen, but no government is perfect. Okay, it gassed its own people at Waco, including innocent children, but they were weirdoes anyway. Okay, it conducted syphilis experiments on unsuspecting African American men but it’s asked for our forgiveness. Okay, it uses our tax money to fund brutal dictators overseas, but only because it’s taking care of us. I’m standing by my government and I don’t appreciate your badmouthing it. Remember — our government puts food on our table, educates our children, and provides for our retirement. Your hubby — I mean, your government — ain’t any winner either.”

A third reason is the common assumption among American Christians that God will not hold a person responsible for the wrongful acts of his government that he supports. All of us will ultimately find out whether or not that is true, especially with respect to the people, both Iraqi and American, who will die in the military attempt to “disarm Saddam.”

7. Prior to the invasion, U.S. servicemen will undoubtedly be told that they are fighting for “freedom” And if they are killed, federal officials will tell their spouses, children, and parents at

the funeral that their loved one died for “freedom.” It will be a lie, and I suspect most soldiers, spouses, children, and parents will know it. Those soldiers will have been sacrificed for “regime change” in Iraq, a cause that ranks with “government welfare for the poor” for which the Black Hawk Down soldiers were sacrificed in Somalia. All the rest will simply be rationalizations and casket-dressing. And those soldiers who are only maimed or come back with radiation sickness from uranium bullets will be ignored, just as the Gulf War veterans were ignored. Or worse, they’ll actually receive “treatment” in V.A. “hospitals.”

8. After each new post-Iraq-invasion terrorist crisis, the U.S. military-industrial complex will lick its chops at the prospect of even higher budgets (and tax increases on the citizenry to pay for them); of more government control over the citizenry; of increases in the value of war stocks; of greater likelihood that army generals will be staffing not only the position of U.S. secretary of state but also most other cabinet positions as well; that military armaments will finally be included in Fourth of July parades, just as they were in the Soviet Union’s patriotic parades; and that newly designed USA PATRIOT Act assaults on the civil liberties of the people, prepared in advance and in anticipation of the new terrorist attacks, will be quickly enacted by Congress.

Just a few points to ponder on the eve of the president’s upcoming invasion of Iraq, an invasion that will serve as the prelude to the 2004 presidential campaign. Not that that political self-interest would ever influence political decision-making, of course — at least not in America.

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