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## THE CRIMINAL IRAQ WAR

by Tim Kelly

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Much ink (or bandwidth) has been expended writing about the tenth anniversary of the U.S. government's invasion of Iraq. That is justified, for the Iraq war was an act of naked aggression and a crime against humanity.

While apologists for the Bush administration have cited "bad intelligence" or even incompetence as an excuse for what the late Major General William Odom called "the greatest strategic disaster in American history," such claims cannot withstand scrutiny. The evidence is overwhelming that George W. Bush and his henchmen cooked intelligence in building their case for the invasion and knowingly lied the country into an unnecessary war. The enormity of this crime is compounded by the fact that the war plunged Iraq, a nation already ravaged by a 12-year-long economic embargo, into a bloodbath that cost the lives of at least a hundred thousand civilians and displaced millions more.

Now, some claim that it is not fair to hold the Bush administration responsible for all the horrors that unfolded in the aftermath of the U.S. invasion. But that really is no defense. As the Nuremburg tribunal declared, "To initiate a war of aggression ... is not only an international crime; it is the supreme international crime, differing only from other war crimes in that it contains within itself the accumulated evil of the whole."

And by any reasonable standard, the invasion the U.S. government launched against Iraq on March 19, 2003, constituted a war of aggression. Iraq had never attacked the United States, nor did she pose a conceivable threat to the nation.

## War crimes

In 1945, the victorious Allied forces established the Nuremburg tribunal to prosecute the surviving leadership of the Third Reich for their wars of aggression. In so doing, the tribunal promulgated what came to be known as the Nuremburg Principles, spelling out what constituted “crimes against peace.” They were as follows:

(i) Planning, preparation, initiation or waging of a war of aggression or a war in violation of international treaties, agreements or assurances; (ii) Participation in a common plan or conspiracy for the accomplishment of any of the acts mentioned under (i).

A dispassionate reading of these principles leads one to the inescapable conclusion that several principal members of the Bush II administration, including George W. Bush himself, are guilty of having committed crimes against the peace and therefore could be prosecuted.

So, what are the odds that Bush, Cheney, Rumsfeld, et al., will ever stand trial for their war crimes? Very slim.

The primary reason the surviving Nazi leaders found themselves in the docks and soon swinging from the gallows was that their side had suffered total defeat. In the final analysis, the judgment rendered at Nuremburg was victor’s justice. It would appear that international law, like all law, is selectively enforced.

All too many Americans believe that their political leaders, no matter how corrupt and venal, cannot be guilty of war crimes for the simple fact that they are Americans. To even contemplate the prosecution of a former president or secretary of state of the “greatest country on the face of the earth” is considered beyond the pale. Perhaps this is the true meaning of “American exceptionalism.”

In failing to hold U.S. policymakers responsible for their war crimes, America has sent the following message to the world: If you’re a leader of a second- or third-rate power, who is no longer useful or has fallen out of the Anglo-American empires’ favor, you may find yourself deposed, arrested, and, if you live long enough, facing a war-crimes trial at the Hague. But if you’re the U.S. president or a high-ranking government official wrapped in the imperial purple of the world’s only superpower, you have no reason to fear ever being called to account for your crimes, at least in this life.

Perhaps we can glean some sense of cosmic justice by contemplating what circle of hell may await those who casually wage war and therefore bring so much suffering to so many innocent people. But in this world, it is a cold fact of life that power now trumps both the law and justice.

Just consider that the United States has waged several unjust and aggressive wars in her short history, and never have any of the politicians or military officials who ordered and prosecuted these orgies of violence been held to account. Sure, there are regrets and lamentations, but no real accounting. Quite to the contrary, the war criminals usually go on to live celebrity lifestyles, jetting around world, feted by the mainstream media, and rewarded with corporate sinecures.

In researching his latest book, *Kill Everything That Moves: The Real American War in Vietnam*, Nick Turse unearthed secret Pentagon files demonstrating that the mass casualties suffered by the Vietnamese population were part of a deliberate campaign waged by the U.S. military to increase the body count of “the enemy.” This way the military brass could demonstrate progress in the war and claim victory was just around the corner. But as we now know from the leaked Pentagon Papers, the White House knew as early as 1967 that victory was unachievable. This, however, did not prevent Washington from escalating the war and unleashing savage bombing campaigns against North Vietnam and neighboring Laos and Cambodia.

By the time the last American helicopter had lifted off from the rooftop of the U.S. Embassy in Saigon, some 58,000 Americans were dead. The butcher’s bill for the Vietnamese people was much higher. The final civilian death toll from American military intervention in Indochina is very difficult to estimate, but may have reached 2 million or more. This colossal wastage of human life was simply written off as being a part and parcel of war — in modern parlance, it was “collateral damage.”

There were no trials of the American officials who waged this unjust and illegal war against a distant nation that posed no conceivable threat to the United States. Lyndon Johnson retired to his ranch in Texas, reportedly a broken man but unmolested by the law. Robert McNamara went on to head the World Bank, where he continued his career of wreaking havoc in the third world. And while Richard Nixon’s so-called secret bombing of Cambodia was cited in the original articles of impeachment drawn up against him, his resignation and subsequent pardon by his successor, Gerald Ford, guaranteed that he and his consigliere, Henry Kissinger, would walk free.

As the former domestic terrorist Bill Ayers said, reflecting on the fact that the U.S. government’s case against him had been dropped, “Guilty as hell. Free as a bird. America is a great country.”