

Former US Attorney General Ramsey Clark Joins Lawsuit against Bush, Cheney, Et Al for Illegal War in Iraq

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A lawsuit against members of the Bush administration for their role in the invasion of Iraq recently received noteworthy support from an internationally prominent group of lawyers—including a former U.S. attorney general. The group is asking the Ninth Circuit Court of Appeals to review the class action suit on grounds that the U.S.-led war was an illegal act of aggression in violation of international guidelines as defined by the Nuremberg Tribunal after World War II.

Iraqi mother **Sundus Saleh** filed the [lawsuit](#) on May 27 against former President George W. Bush, former Vice President Richard Cheney, former Secretary of Defense Donald Rumsfeld, former National Security Advisor Condoleezza Rice, former Secretary of State Colin Powell, and former Deputy Secretary of Defense Paul Wolfowitz, stating they “*broke the law in conspiring and committing the crime of aggression against the people of Iraq.*” Her complaint filed to the court reads:

Defendants planned the war against Iraq as early as 1998; manipulated the United States public to support the war by scaring them with images of ‘mushroom clouds’ and conflating the Hussein regime with al-Qaeda; and broke international law by commencing the invasion without proper legal authorization. More than sixty years ago, American prosecutors in Nuremberg, Germany convicted Nazi leaders of the crimes of conspiring and waging wars of aggression. **They found the Nazis guilty of planning and waging wars that had no basis in law and which killed millions of innocents.**[emphasis added]

It should be noted as well that the Nuremberg Tribunal’s findings were specifically quoted in the suit, which has been undertaken as a *pro bono* case by Comar Law, based in San Francisco:

[These] are charges of the utmost gravity. **War is essentially an evil thing.** Its consequences [...] affect the whole world. To initiate a war of aggression, therefore, 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.”[emphasis added in the lawsuit]

Saleh’s previous attempt to sue the Bush administration in the California court system was

met with resistance from the government—including [Obama administration lawyers](#)—and was ultimately [dismissed](#) using the terms of the Westfall Act, which grants immunity to federal employees who act “*within the scope of their employment.*”

But the amicus [brief](#) submitted on Saleh’s behalf by the group of attorneys—including former U.S. Attorney General Ramsey Clark, the president of the International Association of Democratic Lawyers, the former president of the American-Arab Anti-Discrimination Committee, the former president of the National Lawyers Guild, a founding board member of the International Commission for Labor Rights, and the co-chair of the International Committee of the National Lawyers Guild, among others—states that the previous court was “*forbidden*” to use Westfall protections to dismiss the charges because the Nuremberg Tribunal established “*norms*” that prohibit “*the use of domestic laws as shields to allegations of aggression [...] National leaders, **even American leaders**, do not have the authority to commit aggression and cannot be immune from allegations they have done so.*” [emphasis added]

A second amicus [brief](#) was also filed by the nonprofit Planethood Foundation—a compelling action in itself, considering the organization was established in 1996 by the sole surviving Nuremberg chief prosecutor, Benjamin Ferencz. This brief cautions that “*those in positions of power*” should not be allowed to subvert their influence to escape responsibility for their crimes. This brief cites the U.N. statement given after Nuremberg proceedings that, “*planning, initiating, or waging a war of aggression **is a crime against humanity** for which individuals as well as states shall be tried before the bar of international justice.*” [emphasis added]

The significance of these briefs cannot be overstated amidst increasing international attention on the case. Calls to charge the Bush administration for war crimes have grown intense as recent reports [estimate](#) well over *one million people* have died as a result of the Iraq war.

Hopefully, there will be an appropriate answer from the federal appeals court for Saleh’s lawsuit; because, as **Inder Comar** [told](#) *Truthout*,

“This is a horror that continues to play itself out, daily, in Iraq; the architects of such chaos have yet to be meaningfully questioned as to their role in this unmitigated tragedy.”

Inder Comar is the Attorney of Sundus Saleh.

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