

# Preventing a Rogue President from Committing a War Crime: Open Letter to the New Generation of Military Officers

Should some civilian order you to initiate a nuclear attack on Iran, you are duty-bound to refuse that order

By [Lt. Col. Robert M. Bowman](#)

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*"I contend that should some civilian order you to initiate a nuclear attack on Iran (for example), you are duty-bound to refuse that order. I might also suggest that you should consider whether the circumstances demand that you arrest whoever gave the order as a war criminal." (Dr., Lt. Col. Bob Bowman)*

Duty, Honor, Country 2007

An Open Letter to the New Generation of Military Officers Serving and Protecting Our Nation

By Dr. Robert M. Bowman, Lt. Col., USAF, ret., National Commander, The Patriots

Dear Comrades in Arms,

You are facing challenges in 2007 that we of previous generations never dreamed of. I'm just an old fighter pilot (101 combat missions in Vietnam , F-4 Phantom, Phu Cat, 1969-1970) who's now a disabled veteran with terminal cancer from Agent Orange. Our mailing list (over 22,000) includes veterans from all branches of the service, all political parties, and all parts of the political spectrum. We are Republicans and Democrats, Greens and Libertarians, Constitutionists and Reformers, and a good many Independents. What unites us is our desire for a government that (1) follows the Constitution, (2) honors the truth, and (3) serves the people.

We see our government going down the wrong path, all too often ignoring military advice, and heading us toward great danger. And we look to you who still serve as the best hope for protecting our nation from disaster.

We see the current Iraq War as having been unnecessary, entered into under false pretenses, and horribly mismanaged by the civilian authorities. Thousands of our brave troops have been needlessly sacrificed in a futile attempt at occupation of a hostile land. Many more thousands have suffered wounds which will change their lives forever. Tens of thousands have severe psychological problems because of what they have seen and what they have done. Potentially hundreds of thousands could be poisoned by depleted uranium,

with symptoms appearing years later, just as happened to us exposed to Agent Orange. The military services are depleted and demoralized. The VA system is under-funded and overwhelmed. The National Guard and Reserves have been subjected to tour after tour, disrupting lives for even the lucky ones who return intact. Jobs have been lost, marriages have been destroyed, homes have been foreclosed, and children have been estranged. And for what? We have lost allies, made new enemies, and created thousands of new terrorists, further endangering the American people.

But you know all this. I'm sure you also see the enormous danger in a possible attack on Iran , possibly with nuclear weapons. Such an event, seriously contemplated by the Cheney faction of the Bush administration, would make enemies of Russia and China and turn us into the number one rogue nation on earth. The effect on our long-term national security would be devastating.

Some of us had hoped that the new Democratic Congress would end the occupation of Iraq and take firm steps to prevent an attack on Iran , perhaps by impeaching Bush and Cheney. These hopes have been dashed. The lily-livered Democrats have caved in, turning their backs on those few (like Congressman Jack Murtha) who understand the situation. Many of us have personally walked the halls of Congress, to no avail.

This is where you come in.

We know that many of you share our concern and our determination to protect our republic from an arrogant, out-of-control, imperial presidency and a compliant, namby-pamby Congress (both of which are unduly influenced by the oil companies and other big-money interests). We know that you (like us) wouldn't have pursued a military career unless you were idealistic and devoted to our nation and its people. (None of us do it for the pay and working conditions!) But we also recognize that you may not see how you can influence these events. We in the military have always had a historic subservience to civilian authority.

Perhaps I can help with whatever wisdom I've gathered from age (I retired in 1978, so I am ancient indeed).

Our oath of office is to "protect and defend the Constitution of the United States against all enemies, foreign and domestic." Might I suggest that this includes a rogue president and vice-president? Certainly we are bound to carry out the legal orders of our superiors. But the Uniform Code of Military Justice (UCMJ) which binds all of us enshrines the Nuremberg Principles which this country established after World War II (which you are too young to remember). One of those Nuremberg Principles says that we in the military have not only the right, but also the DUTY to refuse an illegal order. It was on this basis that we executed Nazi officers who were "only carrying out their orders."

The Constitution which we are sworn to uphold says that treaties entered into by the United States are the "highest law of the land," equivalent to the Constitution itself. Accordingly, we in the military are sworn to uphold treaty law, including the United Nations charter and the Geneva Convention.

Based on the above, I contend that should some civilian order you to initiate a nuclear attack on Iran (for example), you are duty-bound to refuse that order. I might also suggest that you should consider whether the circumstances demand that you arrest whoever gave

the order as a war criminal.

I know for a fact that in recent history (once under Nixon and once under Reagan), the military nuclear chain of command in the White House discussed these things and were prepared to refuse an order to “nuke Russia .” In effect they took the (non-existent) “button” out of the hands of the President.. We were thus never quite as close to World War III as many feared, no matter how irrational any president might have become. They determined that the proper response to any such order was, “Why, sir?” Unless there was (in their words) a “damn good answer,” nothing was going to happen.

I suggest that if you in this generation have not had such a discussion, perhaps it is time you do. In hindsight, it’s too bad such a discussion did not take place prior to the preemptive “shock and awe” attack on Baghdad . Many of us at the time spoke out vehemently that such an attack would be an impeachable offense, a war crime against the people of Iraq , and treason against the United States of America . But our voices were drowned out and never reached the ears of the generals in 2003. I now regret that I never sent a letter such as this at that time, but depended on the corporate media to carry my message. I must not make that mistake again.

Also in hindsight, President Bush could be court-martialed for abuse of power as Commander-in-Chief. Vice President Cheney could probably be court-martialed for his performance as Acting Commander-in-Chief in the White House bunker the morning of September 11, 2001 .

We in the U.S. military would never consider a military coup, removing an elected president and installing one of our own. But following our oath of office, obeying the Nuremberg Principles, and preventing a rogue president from committing a war crime is not a military coup. If it requires the detention of executive branch officials, we will not impose a military dictatorship. We will let the Constitutional succession take place. This is what we are sworn to. This is protecting the Constitution, our highest obligation. In 2007, this is what is meant by “Duty, Honor, Country.”

Thank you all for your service to this nation. May God bless America , and sustain us in this difficult time. And thanks for listening to the musings of an old junior officer.

Respectfully,

Robert M. Bowman, PhD, Lt. Col., USAF, ret.

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