

Special Report

The bloody trail from Downing Street to Washington 8 leaked British documents provide further evidence of aggression & other serious crimes by the US

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July 8, 2005—In [“The Crime of War: from Nuremberg to Fallujah”](#) (*Online Journal*, 12/31/04), I described how the war in Iraq constitutes aggression as it is defined under international law. At the time I was writing that report, discussions of legality within and between the U.S. and British governments were closely guarded secrets, and I had to take their public statements as indications of their legal position.

Now, eight leaked British documents have laid bare the British side of those discussions and revealed that British legal advisors explicitly and consistently advised their government and their American counterparts of the illegality of the U.S. war plan. In response to their advice, the two governments hatched a “clever plan” to create a legal pretext for war, but the plan failed when the U.N. Security Council rejected it, leaving the British government with a stark choice between legitimacy and war. The United States had devised and developed this illegal policy over a period of several years and any objections raised by U.S. legal advisors between 1998 and 2002 have yet to be disclosed.

These documents show that the legal argument by which the United States Government eventually claimed legitimacy for the war hinged on the concept of “revival”: that the “formal ceasefire” declared in resolution 687 (1991) was conditional on Iraq’s ongoing compliance with the other terms of that resolution; that Iraq’s alleged “material breach” of certain articles of that resolution could therefore “revive” the authorization of military force contained in resolution 678 (1990); and that certain clauses of resolution 1441 (2002) were intended to act as an automatic trigger for such a “revival” without further action by the council. [1]

In fact, the “formal ceasefire” declared in resolution 687 (1991) was conditional only on Iraq’s acceptance of the other terms of that resolution. It contains no language to indicate that the ceasefire was intended to be temporary or conditional on Iraq’s future behavior, nor any provision for a “revival” of the authorization of military force. Upon consideration, this is hardly surprising. Under Chapter VII of the UN Charter, the council already possesses the exclusive authority to order the use of force whenever it finds this to be warranted, so it has no need to reserve any additional authority to itself in this respect. The only function of “revival” would be to delegate a critical portion of its decision-making authority to an individual member or group of members, and there is no provision in the charter for it to do that either. The legitimacy of this whole concept is thus fundamentally suspect.

“Revival” was first introduced to justify the establishment of the southern “no-fly zone” in August 1992, and it was sufficiently controversial that a ruling was requested of the U.N. legal counsel, Carl-August Fleischauer. He ruled that it was legitimate in that situation, involving limited and proportionate action soon after the end of major hostilities. [2] The U.S. and U.K. cited “revival” as justification for military action in December 1998, but this was neither accepted nor authorized by the council, and Russia withdrew its ambassadors from Washington and London to protest U.S. and British military action. [3]

The Iraq Liberation Act of 1998

The attack on Iraq in 1998 was preceded by important developments in U.S. policy. In February 1998, 40 self-styled “prominent Americans” signed an open letter to President Clinton, calling on the U.S. government to recognize Ahmad Chalabi’s Iraqi National Congress as the official government of Iraq. The signers included Paul Wolfowitz, Richard Perle, Richard Cheney, Donald Rumsfeld, James Woolsey, Douglas Feith, Richard Armitage, Frank Carlucci and Zalmay Khalilzad. [4] The same group then lobbied Congress to produce the Iraq Liberation Act of 1998, which declared support for “efforts to remove the regime of Saddam Hussein from power in Iraq” to be the official policy of the United States government. The bill passed overwhelmingly in the House and unanimously in the Senate, and was signed into law by President Clinton. [5]

The leaked British documents show that, when Prime Minister Blair threw his support to the U.S. policy of “regime change” in March 2002, his legal advisors consistently and repeatedly told him that “regime change” could not be a legitimate policy goal under international law. Why did legal advisors in Washington not raise the same “red flags” in 1998 as their British counterparts did in 2002?

The U.S. government has violated domestic and international law in pursuit of similar policies in the past, but Congress moved to investigate and curb such violations in 1975–6 and again in 1982–6. The U.N. General Assembly condemned the U.S. invasion of Panama in 1989 as “a flagrant violation of international law,” but congressional hearings that were scheduled to investigate those charges were indefinitely postponed. [6] It is important for Americans to understand that our country pays substantial political, diplomatic and economic consequences when our government violates international law. These consequences, particularly the economic ones, are admittedly difficult to isolate and quantify, but they clearly constitute a significant challenge to our future in an increasingly interconnected world. Ignoring them because they are subtle only plays into perceptions of American brutishness and exacerbates the problem.

Our governing institutions and courts must demonstrate to the world that we do not condone aggression or other international crimes. By formally adopting a policy of supporting “regime change” in Iraq, the U.S. Congress assumed a responsibility to assure that this policy was pursued within the bounds of domestic and international law, and it now has a vital responsibility to investigate substantial evidence that it was not.

At the same time that Congress was adopting this policy, the British and American governments were taking covert action to keep Iraq’s alleged weapons programs in the public mind. Former chief weapons inspector Scott Ritter told the British parliamentary enquiry into the death of Dr. David Kelly that he was recruited by MI6 in 1997 to take part in “Operation Mass Appeal,” to contribute to stories about Iraq’s alleged weapons programs that were being planted in newspapers in Poland, India and South Africa so that this “information” would filter back to media consumers in Europe and North America. [7] This, of course, falls within long-established practice of Western intelligence agencies, which frequently employ journalists as agents to shape popular opinion [8], but it helps to explain why so many Americans continued to believe that Iraq still possessed these weapons even as our government failed to produce any evidence of their existence.

The “prominent Americans” took their next step toward regime change in Iraq on September 11, 2001. At about 2:40 P.M. that afternoon, Donald Rumsfeld ordered his subordinates to draw up a plan to attack Iraq. Notes taken by one of his aides quote him as saying he wanted “best info fast. Judge whether good enough to hit Saddam Hussein at same time. Not only Usama Bin-Laden. Go massive. Sweep it all up. Things related and not.” [9] At the beginning of March 2002, Vice President Cheney visited Britain and the Middle East to drum up support for “regime change,” while Kofi Annan negotiated with Naji Sabri, the Iraqi Foreign Minister, to reintroduce weapons inspectors and avert a crisis.

March 2002—the First Five Documents

The first batch of five leaked British documents date from this period in March 2002 and they were leaked to the Daily Telegraph in September 2004. They include an “Options Paper” written for Blair by his Defense and Overseas Secretariat; a memo from foreign policy advisor Sir David Manning to Blair on

meetings with Condoleezza Rice; a memo from British Ambassador Sir Christopher Meyer to Manning regarding a meeting with Deputy Secretary Wolfowitz; a letter to Foreign Secretary Jack Straw from his Political Director Peter Ricketts; and a memo from Straw to Blair. [10]

The Options Paper is dated March 8, 2002, and spells out two choices: toughening the containment policy, or regime change. It called the latter "a new departure which would require the construction of a coalition and a legal justification" and went on to say "A full opinion should be sought from the Law Officers if the above options are developed further . . . Of itself, Regime Change has no basis in international law." On the American position, it said, "The U.S. has lost faith in containment," and also, significantly, "Washington believes the legal basis for an attack on Iraq already exists."

It is clear from British Attorney General Lord Goldsmith's legal advice given a year later that the American legal position by then relied heavily on resolution 1441 (2002) as a "trigger" for "revival," so it would be very interesting to know what legal basis the U.S. government was relying on in March 2002. The British concern over international legality that is cited throughout these documents means that it must have been seriously discussed, but no specifics are given on the U.S. position at that time.

The Options Paper said that the Americans were pushing for an invasion in the fall of 2002, and six months would be needed to make the necessary military preparations, leaving the prime minister very little time to make a decision. He was due to meet with President Bush at Crawford in early April. In conclusion, the paper suggested "a staged approach, establishing international support, building up pressure on Saddam, and developing military plans."

The memo from Manning to Blair on March 14, 2002, marked "Secret—Strictly Personal," indicates that Blair had by then made up his mind to fall in line with the U.S. policy of "regime change," and insisted only that it be "very carefully done." From the British perspective, this document is the "smoking gun" pointing at Blair:

"I had dinner with Condi on Tuesday; and lunch with her and an NSC team on Wednesday (to which Christopher Meyer also came). These were good exchanges, and particularly frank when we were one-on-one at dinner. We spent a long time at dinner on Iraq. It is clear that Bush is grateful for your support and has registered that you are getting flak.

"I said that you would not budge in your support for regime change but you had to manage a press, a Parliament and a public opinion that was very different than anything in the States. And you would not budge in your insistence that, if we pursued regime change, it must be very carefully done and produce the right result. Failure was not an option. Condi's enthusiasm for regime change is undimmed. But there were some signs, since we last spoke, of greater awareness of the practical difficulties and political risks.

"From what she said, Bush has yet to find the answers to the big questions: how to persuade international opinion that military action against Iraq is necessary and justified; what value to put on the exiled Iraqi opposition; how to coordinate a US/allied military campaign with internal opposition (assuming there is any); what happens on the morning after?

"I think there is a real risk that the Administration underestimates the difficulties. They may agree that failure is not an option, but this does not mean they will avoid it."

Chilling words, showing that Bush and Blair were now agreed on "regime change," but that the British were worried by how the Americans might go about it.

On March 17, 2002, Ambassador Meyer met with Wolfowitz and reiterated most of the same points. He told Wolfowitz, "We backed regime change, but the plan had to be clever and failure was not an option . . . I then went through the need to wrongfoot Saddam on the inspectors and the UN SCRs and the critical

importance of MEPP [Middle East Peace Process] as an integral part of the anti-Saddam strategy.” He reported all this to Manning in a memo marked “Confidential and Personal” on March 18.

The notes from Ricketts to Straw and then from Straw to Blair on March 25, 2002 detail some of the problems the Foreign Office had identified in the American plan. Straw told Blair that the British strategy had to be based on international law and therefore on Iraq’s “flagrant breach” of its obligations under the U.N.-mandated inspections regime. He wrote, “I believe that a demand for the unfettered readmission of weapons inspectors is essential, in terms of public explanation, and in terms of legal sanction for any military action.” He warned of two “potential elephant traps,” namely the illegality of regime change, and the question of an additional mandate from the Security Council. “The U.S. are likely to oppose any idea of a fresh mandate. On the other side, the weight of legal advice here is that a fresh mandate may well be required.”

Within two weeks, Bush was hosting Blair at his ranch, telling an ITN interviewer that “I made up my mind that Saddam needs to go,” and recalling after the meeting, “I explained to the prime minister that the policy of my government is the removal of Saddam, and that all options are on the table. The world would be better off without him and so will the future.” Bush was committed to this policy, and Blair was now committed to supporting it through a “clever plan” to generate support and provide legal justification. One word that could not fairly be used to describe Bush’s intentions at this point was “secret.” If they needed any clarification, it was provided by published reports of an incident at the White House in March 2002. Some Republican senators were meeting with Rice when Bush stopped by for a chat. Somebody mentioned Saddam Hussein, to which Bush responded “Fuck Saddam! We’re taking him out.” [11]

On the other hand, these documents do make it clear that Blair’s more nuanced public statements during this period were less than honest. After diplomatically endorsing “regime change,” he told a joint press conference at Crawford on April 6, 2002, “How we now proceed in this situation, how we make sure that this threat that is posed by weapons of mass destruction is dealt with, that is a matter that is open. And when the time comes for taking those decisions we will tell people about those decisions.” Americans who dismissed Bush’s threats as “cowboy” rhetoric but trusted more reasonable public statements by Blair should take a few minutes to reflect on the success of this deception.

Between April and July 2002, the plan proceeded. The war in Afghanistan had led the much of the American public to believe that war was not such a terrible prospect and that the latest generation U.S. military technology could win any battle quickly and easily. After September 11, 2001, the Congress and U.S. media companies felt bound to support the “War on Terror” even as it shifted its focus and its purpose. Most of the public expressed little anxiety regarding the prospect of war in Iraq but was still easily panicked by color-coded terrorism alerts.

The Downing Street Memo and Briefing Paper

The “Downing Street Memo” is actually the minutes of a “Prime Minister’s Meeting” on Iraq, attended by Blair, his defense and foreign policy advisors and Attorney General Lord Goldsmith on July 23, 2002. [12] The “Cabinet Office paper” is an incomplete transcript of the paper that was distributed to the participants in preparation for this meeting. [13]

The opening summary of the Cabinet Office paper invites ministers to “agree that the objective of any military action should be a stable and law-abiding Iraq,” but the four paragraphs on “Justification” (11–14) describe the equally elusive quest for a law-abiding U.K. and U.S. The fundamental illegitimacy of U.S. policy is still the central problem: “U.S. views of international law vary from that of the U.K. and the international community. Regime change per se is not a proper basis for military action under international law.” And yet, “U.S. military planning unambiguously takes as its objective the removal of Saddam Hussein’s regime.” An annex on legal issues is mentioned but has not been published. It may contain crucial additional evidence.

The paper presciently describes the train-wreck that in fact occurred when the timetable for the invasion collided with the time required for thorough inspections in March 2003: “UNMOVIC will take at least six

months after entering Iraq to establish the monitoring and verification system under resolution 1284 necessary to assess whether Iraq is meeting its obligations. Hence, even if U.N. inspectors gained access today, by January 2003 they would at best only just be completing setting up. It is possible they will encounter Iraqi obstruction during this period, but this is more likely when they are fully operational." Iraqi obstruction was to be the pretext for war, but it might not come soon enough. This section of the paper concludes, ". . . We would be most unlikely to achieve a legal base for military action by January 2003."

John Scarlett, the chairman of the Joint Intelligence Committee, stated at the outset of the meeting that only "massive military action" would be likely to accomplish "regime change." Sir Richard Dearlove, the head of MI6, then told the meeting that there had been "a perceptible shift in attitude" in Washington and that "military action was now seen as inevitable. Bush wanted to remove Saddam, through military action, justified by the conjunction of terrorism and WMD. But the intelligence and facts were being fixed around the policy."

Admiral Sir Michael Boyce, the chief of the Defense Staff, described two military options: "Running Start" involved a gradual escalation of the bombing campaign to provoke the Iraqis into defending themselves, escalating eventually to all-out war. He called this a "hazardous option," and seemed to prefer the other choice, "Generated Start," involving 250,000 U.S. troops, with a 72-hour bombing campaign to be followed by a move on Baghdad. He outlined the choices for British involvement, from a minimum of bases in Cyprus and Diego Garcia and a few R.A.F. squadrons up to a commitment of 40,000 ground troops plus naval and air forces.

Defense Secretary Geoff Hoon spoke of "spikes of activity" that had already begun "to put pressure on the regime." Most Americans can remember incidents from this period that were reported as Iraqi threats to allied aircraft patrolling the "no-fly zones," with U.S. and British planes responding by "targeting radar sites." Critics of U.S. policy suggested at the time that this was a cover for a low-grade bombing campaign to degrade Iraqi defenses in preparation for an invasion.

Britain's Ministry of Defense has now published its figures for allied missions flown and tonnages of bombs dropped on Iraq between 2000 and 2002. The total tonnage of bombs dropped on Iraq in 2000 was 155 tons, which fell to 107 tons in 2001. By contrast, in six and a half months between May and the second week in November 2002, allied planes dropped 820 tons of bombs on Iraq, including a massive air raid in September 2002 by a combined fleet of 100 planes, apparently linked to a decision taken on August 5 to proceed with a "hybrid" of the Running and Generated Start plans. To many Iraqis, it must have seemed that war had already begun, and, by any rational definition of the word, it had. [14]

Hoon went on to say that "No decisions had been taken, but he thought the most likely timing in U.S. minds for military action to begin was January, with the timeline beginning 30 days before the U.S. Congressional elections." His statement that military action was likely to "begin" in January provides a glimpse into the Orwellian mindset of U.S. and British officials during the run-up to the invasion. Even behind closed doors, in a meeting whose minutes were classified as "Secret and Strictly Personal—U.K. eyes only," dropping 820 tons of bombs on Iraq was not considered an act of war, but only a "spike of activity." [15]

Foreign Secretary Jack Straw had scheduled a meeting with Secretary of State Powell for later that week, and promised to discuss with him the timeline outlined by the defense officials. He understood that Bush was committed to war, but thought the timing was not yet decided. "But the case was thin. Saddam was not threatening his neighbors, and his WMD capability was less than that of Libya, North Korea or Iran. We should work up a plan for an ultimatum to Saddam to allow back in the U.N. weapons inspectors. This would also help with the legal justification for the use of force."

Then it was Lord Goldsmith's turn. He "said that the desire for regime change was not a legal basis for military action. There were three possible legal bases: self-defense, humanitarian intervention, or UNSC authorization. The first and second could not be the base in this case."

Then, “the Prime Minister said that it would make a big difference politically and legally if Saddam refused to allow in the U.N. inspectors. Regime change and WMD were linked in the sense that it was the regime that was producing the WMD . . . If the political context were right, people would support regime change. The two key issues were whether the military plan worked and whether we had the political strategy to give the military plan the space to work.” Ever the politician, Blair, like Bush, had a sense of what would work politically, but his only legal strategy was to hope that Iraq would cooperate by barring the inspectors.

More reservations were expressed regarding the workability of the U.S. battle plan, and Straw urged “discreetly exploring” an ultimatum on the inspectors. He was confident that Hussein would play into their hands by “playing hardball with the U.N.”

Hoon “cautioned that many in the U.S. did not think it worth going down the ultimatum route. It would be important for the Prime Minister to set out the political context to Bush.”

The minutes ended by concluding that “We should work on the assumption that the U.K. would take part in any military action,” but that the extent of British participation was still in question. The Foreign Secretary would “discreetly work up the ultimatum to Saddam,” and “the Attorney-General would consider legal advice with FCO/MOD legal advisers.”

Americans demanding congressional action have called Dearlove’s statement that “the facts and intelligence were being fixed around the policy” a “smoking gun.” In any country, it is up to the people, the press, civil servants and opposition politicians to prevent the “fixing” of facts and intelligence. While many of the political aspects of the plan were actually “clever,” not one piece of “fixed” intelligence ever stood up to serious scrutiny, and responsibility for the result must be shared by those who knew this and yet remained silent.

The plan moved forward through the fall of 2002: Bush presented his ultimatum to the U.N.; he issued his controversial “doctrine of preemption” as part of the National Security Strategy of the U.S.A. (2002); and the U.S. Congress debated the resolution to authorize war. Senator Bob Graham, the chairman of the Select Intelligence Committee, told anyone who would listen that real intelligence on Iraqi WMD had yet to be presented, but fear and mystification were enough to win the day. Graham’s colleague from Florida, Bill Nelson, reported on his web site that his constituent correspondence ran nine to one against the resolution, but he voted for it anyway.

Bush made his infamous State of the Union Speech, in which he identified 81 mm. rocket casings as centrifuge parts and imaginary stockpiles of 12-year-old degraded chemical and biological agents as potent threats (of the items cited, only mustard gas has a shelf-life of more than five years), amongst a litany of bogus claims. [16]

Powell gave his equally disgraceful presentation to the Security Council, after reportedly throwing Lewis Libby’s first draft of it up in the air and saying “I’m not reading this. This is bullshit.” [17] Proponents of peace debunked the lies, but no prominent opposition figure emerged to lead them. The “mainstream” U.S. media efficiently marginalized serious questions and antiwar views.

“Full Advice from Attorney General on Legality of Iraq War”

The last of the leaked British documents is the full legal advice given to Blair by Lord Goldsmith on March 7, 2003, 12 days before the war officially began. [18] In this document, Goldsmith dismisses most of the rationales for war that have been widely accepted by Americans, leaving only the “revival” of the Security Council’s authorization of force in 1990 as a possible but highly tenuous justification for the invasion. He makes it clear that U.S. officials had now adopted this as their legal position, and reveals his concern with the underlying flaws and contradictions in this position that the British were reluctantly being forced to embrace if they were going to take part in the war. He was clearly worried that unilateral interpretations of Security Council resolutions were being used as a lever to open the door to actions that were neither authorized by any of those resolutions nor otherwise permissible under international law.

He identifies the following flaws in the American position:

1. He rejects Bush's doctrine of preemption relating to "danger in the future" as opposed to the "right to respond proportionately to an imminent attack." He writes, "This is not a doctrine which, in my opinion, exists or is recognized in international law."
2. While accepting the basic principle of "revival," he writes, "the U.K. has consistently taken the view (as did the Fleischauer opinion) that, as the cease-fire conditions were set by the Security Council in resolution 687, it is for the Council to assess whether any such breach of those obligations has occurred."
3. On whether a particular breach warrants a military response: "The question is who makes the assessment of what constitutes a sufficiently serious breach. On the U.K. view of the revival argument (though not the U.S. view) that can only be the Council, because only the Council can decide if a violation is sufficiently serious to revive the authorization to use force."
4. He rejects the possibility that, because the U.S. interprets resolution 1441 differently from Britain and other council members, the resolution might not legally constrain the U.S. to the same extent as the U.K.
5. The American interpretation "reduces the role of the Council discussion under OP12 (of resolution 1441) to a procedural formality . . . I remain of the opinion that this would be the effect in legal terms of the view that no further resolution is required. The Council would be required to meet, and all members would be under an obligation to participate in good faith, but even if an overwhelming majority of the Council were opposed to the use of force, military action could proceed regardless."
6. He rejects American interpretations of the intent of other members of the council who voted for resolution 1441 (2002), because they contradict the statements of those members and, "if the matter ever came before a court, it is very uncertain to what extent the court would accept (such) evidence."
7. He insists that any military action be limited to what is necessary to enforce the terms of the cease-fire. As he has said all along, "Regime change cannot be the objective of military action."
8. As an additional caveat, he points out that Blair's legal position could well hang on the strength of the evidence of Iraqi non-compliance on which his decisions are based.

In reviewing this document, I find a number of additional flaws in the arguments that Goldsmith presents in favor of "revival" and other aspects of the U.S. position:

1. The concept of "revival" has no basis in the U.N. Charter, nor in the language of resolutions 678 (1990) or 687 (1991).
2. "Revival" is superfluous or even detrimental to any legitimate purpose, since the Security Council has all the power it needs to authorize military action whenever that is really what it means to do.
3. Goldsmith writes that he relies on "the previous practice of the Council" for his interpretation that "serious consequences" in resolution 1441 (2002) is equivalent to "all necessary means" in resolution 678 (1990). This is not borne out by the record. The past practice of the council has been to use "all necessary means" to authorize military force, and "serious consequences" to retain greater flexibility, and this was how other members interpreted these terms in this case.

4. Goldsmith links the phrase (in OP2 of resolution 1441) "final opportunity" to a threat of military action, when the resolution only links it to the enhanced inspection regime.
5. He writes that resolution 1441 "is ambiguous and unclear on what happens next" if the inspectors make a report of non-compliance or non-cooperation. He presumes ambiguity where the resolution clearly calls for the council to meet and "consider the situation."
6. The American argument linked the predetermination in resolution 1441 that any instance of Iraqi non-cooperation would constitute a "material breach" with the principle of "revival" in an effort to construct an automatic trigger for military action and foreclose the role of the Security Council. In both its intent and its effect, this argument undermines the unique position assigned to the Security Council by Chapter VII of the U.N. Charter, and therefore cannot be a legitimate interpretation.

While Goldsmith gives great deference to the "strength and sincerity" with which the Americans presented their arguments, he does not ultimately find their position defensible under international law, and he warns Blair of the legal avenues by which the British government and he personally could face prosecution for international aggression or murder. He writes, "Aggression is a crime under customary international law which automatically forms part of domestic law," so that, while it would be unusual, there is no legal impediment to a prosecution for aggression in a domestic court. When the invasion proceeded in the face of the British legal officers' consistent objections, Elizabeth Wilmshurst, deputy legal advisor to the Foreign Office, resigned along with two of her colleagues. Her letter of resignation has since been made public. She refers to the invasion as a "crime of aggression," and ends, "I joined the office in 1974. It has been a privilege to work here. I leave with very great sadness." [19]

Conclusion

The upshot of all this has been precisely what the U.N. Charter was designed to prevent: the invasion and occupation of a smaller country by two larger and more powerful ones. Instead of a speedy victory leading to "international peace and security," we are now engaged in an intractable war whose principal victims are the civilian population of Iraq. Researchers from the Johns Hopkins School of Public Health have estimated that at least 100,000 people are dead who would otherwise be alive, and have concluded that U.S. and British air strikes have been the leading cause of violent death among civilians in Iraq since March 2003. [20] This latter conclusion is supported by Iraqi Health Ministry reports and dramatically contradicts the impression conveyed by the "embedded" media that anti-American forces have been responsible for most of the violence in Iraq. [21]

These documents reveal that the governments of these two powerful countries were unable to honestly reconcile their own economic and strategic interests with their responsibilities under international law and their obligation to act in good faith in the interest of international peace and security as permanent members of the U.N. Security Council. As a result of this self-serving confusion of motives, they adopted positions and negotiating strategies that were deliberately designed to circumvent the letter and the spirit of the U.N. Charter. In order to restore legitimacy to U.S. foreign policy, both in its actual practice and in its perception by others, the following steps are now essential:

1. The U.S. Congress must investigate all serious charges against the United States government and its officials, from perjury to international aggression, examining the evidence in these British documents and obtaining access to relevant U.S. documents.
2. The United States government must diplomatically and publicly assure the governments and people of the world that it will now and in the future abide by treaty commitments and customary principles of international law in accordance with Article VI of the United States Constitution.
3. The unilateral "doctrine of preemption" must be either publicly renounced or submitted to serious multilateral negotiations. Policies that presume the nonexistent right claimed by this doctrine must

be rescinded, and the National Defense Strategy of the United States of America (2005), which is largely based on this doctrine, must be substantially revised.

4. A revival of legitimacy will be most effective if it begins at the point where legitimacy has broken down, in Iraq itself. After two years of inconclusive warfare, the United States government must understand that its self-appointed mission to “restore international peace and security” has not just failed, but has in fact accomplished the reverse. It must cease offensive military operations and genuinely and meaningfully hand over the reins of the international management of this crisis to the collective jurisdiction of the U.N. Security Council, so that the council can fulfill its duty under Chapter VII of the U.N. Charter.

This last step will permit the U.N. to oversee the withdrawal of occupation forces from Iraq, and to help the Iraqi people to organize free and fair elections with candidates who represent all sectors of Iraqi society and are not just drawn from the groups that have been collaborating with the U.S. and British occupation.

With a restoration of international legitimacy, our country can join the rest of the world to confront the common challenges we all must face in the 21st century and dedicate our abundant national energy to the hopeful work of building a newly strengthened “permanent structure of peace.”

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5. 105th Congress (1998), H.R.4655.
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