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Draft

## A Summary of the Illegal Iraq & Afghanistan Wars/Occupations and the Illegal Use of Force in Pakistan

(Revised January 27, 2010)

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This document explains how and why the invasions/occupations of Iraq and Afghanistan and offensive operations in Pakistan are illegal, unconstitutional, immoral, counter-productive and "self defeating".

### Introduction

Much of this document ([http://www.wethepeoplenow.org/summary\\_iraq\\_occupation.pdf](http://www.wethepeoplenow.org/summary_iraq_occupation.pdf)) which was initially written with only Iraq in mind is pertinent to the invasion/occupation of Afghanistan and the attacks and covert operations against Pakistan and other countries.

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### ATTACHMENTS

**A. Proof of the Unconstitutionality and Illegality of the Iraq and Afghanistan Wars / Occupations, the Use of Force in Pakistan & the So-Called War on Terror.**

**B. Iraqi Oil and Oil Profits: The Primary Reason Iraq was Invaded and Remains Occupied**

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<sup>1</sup> *I, Ron Fisher, am an honors graduate of the Naval Academy and made 15 nuclear submarine patrols during the Cold and Vietnam Wars. My awards include the Legion of Merit and Vietnam Service Medal. The last submarine I served on could have single-handedly destroyed over a hundred medium size cities and killed millions of civilians in a very few minutes. If we had used those missiles, I would be a war criminal. I've changed -- so can any errant public servants.*

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## Summary of the U. S. Occupation of Iraq

### I. Reasons For Attacks, Invasions and Occupations

#### A. The Reasons the World Trade Center Was Attacked<sup>2</sup>

According to [Michael Scheuer](#), [A very small number of radical] *Muslims attacked the World Trade Center and are retaliating for what we [actually American leaders and corporation executives] do rather than for what we are and what we think. Islamists are not offended by the Western world's democratic freedoms, civil liberties, intermingling of genders, and separation of church and state as our leaders tell us. The reasons that they are attacking us include:*

- *U.S. support of Israel and its indifference to the Palestinians,*
- *presence of U.S. and western troops on the Arabian Peninsula and occupation of Iraq and Afghanistan by the U.S. and its allies,*
- *the U.S. support of countries that oppress Muslims (such as Russia, India and China),*
- *U.S. political pressure on Arab states to keep oil prices low,*
- *U.S. support for tyrannical governments and*
- *a further litany of real-world grievances. .*

#### B. The Reasons Iraq and Afghanistan were Invaded and Occupied

Certain American leaders have falsely claimed that Iraq and the Taliban in Afghanistan were imminent threats to the U.S. This is simply not true.

#### **Iraq was invaded and occupied:**

- Primarily to help U.S. and UK companies gain control of as much of Iraq's oil industry and huge oil reserves, possibly 400 billion barrels and to steal trillions of dollars of **oil profits**<sup>3</sup> possibly \$20 trillion. It was not to get oil for the U.S. or to reduce the price of oil in the U.S. As a matter of fact, the turmoil and instability caused by the invasion and occupation has caused the price of oil to increase. Iraq oil and oil products are described in detail in Attachment B.
- To use Iraq for permanent military bases and as a stepping off point for the U.S. military in the Mideast
- Provide markets for US & UK multi-national corporations to dump their products and commodities and to take over/privatize Iraqi industries and businesses<sup>4</sup>.

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<sup>2</sup> The following in parenthesis is paraphrased from the book **Imperial Hubris - Why the West Is Losing the War on Terror**, and other books by Michael Scheuer - a senior U.S. civil servant with nearly two decades of experience in the U.S. intelligence community's work on Afghanistan and South Asia.

<sup>3</sup> The Iraq Oil Bonanza: Estimating Future Profits (January 28, 2004) I by James A. Paul, Global Policy Forum, <http://www.globalpolicy.org/security/oil/2004/0128oilprofit.htm>. Other information regarding oil in Iraq are from three additional articles by James A. Paul, at [www.globalpolicy.org](http://www.globalpolicy.org):  
Oil in Iraq: the Heart of the Crisis (December 2002)  
Oil Companies in Iraq: A Century of Rivalry and War (November 2003),  
<http://www.globalpolicy.org/security/oil/2003/2003companiesiniraq.htm>  
Iraq: the Struggle for Oil (August, 2002)

<sup>4</sup> Please note that many of the facts in this document are paraphrased or directly quoted, with permission, from the outstanding book The Bush Agenda: Invading the World One Economy at a Time by Ms. Antonia Juhasz. Both documents are recommended reading by anyone interested in Iraq, globalization, trade, economics, world peace, etc.

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- So that U.S. Armed Forces and security contractors (mercenaries) could be kept in Iraq with no real timetable for withdrawal to provide security for U.S. oil corporation until most of the Iraqi' oil is used up (over 100 years if 4 to 5 million barrels a day are pumped).

The multiple, large permanent bases paid for by Congress and built by the previous and current administration make it obvious there was never any intention to leave Iraq.

Winning in Iraq apparently means that oil companies will be able to steal Iraq's oil and profits from their oil.

### **II. The Iraq and Afghanistan Wars/Occupations and the Use of Force in Pakistan are Illegal, Unconstitutional, Immoral and Self-Defeating**

1. H.J. Res.114, the Joint Resolution To Authorize the Use of United States Armed Forces against Iraq, approved by the House and Senate in October, 2002, was obtained by fraud and has been used to commit fraud and is unconstitutional, null and void.
2. Without a formal declaration of war, it is illegal for Congress to authorize or appropriate money for the Iraq War or the so called war on terror and it is illegal for the President wage such wars, use force or conduct any military operations in Iraq or any country in the world.
3. Attachment A provides additional proof of the unconstitutionality and illegality of the Iraq and Afghanistan wars/occupations and the use of force in Pakistan.

### **III. The Moral High Ground**

Vice Admiral James Stockdale served on active duty in the regular Navy for 37 years. Shot down on his third combat tour over North Vietnam, he was the senior Naval prisoner of war in Hanoi for 7 ½ years. He received the medal of honor and 26 other combat decorations plus numerous civilian awards. In a speech and now in a booklet provided to all midshipmen at the Naval Academy, he said : *"I am convinced that holding the moral high ground is more important than firepower .. in war ... it is principally the moral forces which decide the outcome."* Speaking of the Tonkin Gulf, Stockdale said: *"To take a nation to war on the basis of any provocation that smells of fraud is to risk losing national leadership ... . Moral corners were cut in Washington in our top leaders' interpretation of the events of August 4<sup>th</sup> at sea in order to get the Tonkin Gulf Resolution through Congress in a hurry. ... I knew for sure that our moral forces were squandered for short range goals."*

The President and members of his administration invaded Iraq based on lies and fabricated intelligence in order to subjugate and gain control of Iraq's oil, other resources and their economy. The U.S. is definitely not on the moral high ground in Iraq. The Iraq occupation is worse than the Vietnam war in many ways, in particular because we are attempting to steal Iraq's natural resources.

### **IV. Iraq Before the First Gulf War**

Before the first Gulf War, Iraq had a Constitution that:

1. Resembled the U.S. Constitution in many ways.
2. Provided freedom of religion, expression and association
3. Guaranteed equality before the law for all citizens without discrimination of sex, blood, language, social origin or religion.
4. Guaranteed a free education through the university level and access to maternal, child, and

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medical care for all. (Not only were these services guaranteed, they were delivered.)

Iraq's oil industry and reserves had been nationalized so that prior to the first Gulf War, even after 8 years of war with Iran:

1. Iraq was ranked 15<sup>th</sup> out of 130 countries on the 1990 UN Human Development Index.
2. Iraq had the highest percentage of college-educated citizens in the Middle East and above average overall literacy rates.
3. Ninety Seven percent of Iraq's urban population and 78% of rural residents had health care coverage.
4. Iraq's infant mortality rate was well below average for developing countries.
5. Ninety per cent of Iraq's population had access to an abundant quantity of safe drinking water.
6. Iraq was a country of laws, public services, education, and health care that was able to succeed in spite of Saddam Hussein, because Iraq had *a government, and economic structure made functional by a knowledgeable and dedicated citizenry.*
7. Iraq was selling and willing to continue selling oil at market rates to the U.S. However, oil companies and the so called neo-cons and oil companies wanted more than just oil – they wanted massive profits and control over the oil.

### V. The Invasion of Iraq

1. The subterfuge by the Bush Administration leading up to the war is well covered in several books, news articles and other documents.
2. On March 17, 2003, President Bush, in violation of International Law, ordered massive bombing and missile attacks (called shock and awe) on Iraq and an invasion of Iraq.
3. On March 20, 2003 US-UK forces invaded Iraq, seizing the major oilfields and refineries almost immediately. When coalition forces later entered Baghdad, *they set a protective cordon around the Oil Ministry, while leaving all other institutions unguarded, allowing looting and burning of other government ministries, hospitals and cultural institutions. Looters sacked the National Museum and burned a wing of the National Library, but the Oil Ministry stood relatively unscathed, with its thousands of valuable seismic maps safe for future oil exploration.*
4. Every step in the early post-war period confirmed the centrality of oil, not as an Iraqi national resource to be protected, but as a spoil of war to be controlled. Now, many months after the war, the picture remains the same<sup>5</sup>.
5. On or about March 20, 2003, the first contracts for rebuilding post-war Iraq were awarded, and Vice President Dick Cheney's old employer, Haliburton Co., was one of the beneficiary's.
6. On May 1, 2003, Bush announced "Mission Accomplished in Iraq" and the occupation of Iraq began.

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<sup>5</sup> Oil Companies in Iraq: A Century of Rivalry and War (November 2003), <http://www.globalpolicy.org/security/oil/2003/2003companiesiniraq.htm>

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### VI. The Occupation of Iraq

1. Every step in the early post-war period confirmed the centrality of oil, not as an Iraqi national resource to be protected, but as a spoil of war to be controlled. Now, years after the war, the picture remains the same<sup>6</sup>.
2. On January 20, 2003, Jay Garner, a retired army Lieutenant General, had been named head of the U.S. Defense Department's Office of Reconstruction and Humanitarian Assistance (ORHA). The staff of ORHA designed and planned the administration of postwar Iraq in detail. The ORHA plan called for the U.S. led occupation government of Iraq to last no more than three months.
3. On April 21, 2003, two weeks after the "fall of Baghdad," Garner and his ORHA staff had arrived in Iraq.
4. On May 6, 2003, President Bush fired General Jay Garner and appointed L. Paul Bremer III, to be Bush's Presidential Envoy to Iraq and the Administrator of the U.S. led Iraqi Occupation Government, the Coalition Provisional Authority (CPA). President also replaced ORHA with the CPA and Bremer and the subjugation of Iraq began.
5. The reason behind the replacements exposes a good deal about the Bush Agenda in Iraq.
6. Garner told BBC reporter Greg Palast, "My preference was to put the Iraqis in charge as soon as we can, and do it with some form of elections. . . . I just thought it was necessary to rapidly get the Iraqis in charge of their destiny." As a retired army lieutenant general who had overseen assistance to the Kurds in Northern Iraq after the first Gulf War Garner knew that the longer the United States appeared to be in charge, the more antipathy toward the United States would grow and expose U.S. troops to greater danger. Garner also disagreed with many of the Bush administration's more radical economic proposals, such as full privatization of Iraq's 192 state-owned enterprises, arguing that the Iraqis should be in charge of determining their own economic fate. Apparently, this attitude met with disapproval among his superiors in the administration, and Garner was summarily fired.
7. Unlike General Jay Garner, Paul Bremer, a former corporate consultant with no specific experience in Iraq, had no qualms about remaking Iraq and its economy in accordance with the Bush/Cheney agenda. After replacing Garner, Bremer wasted little time laying the foundation for U.S. subjugation of the economy, institutions, politics, etc. of Iraq.
8. Bush's Presidential Envoy to Iraq and the Administrator of the U.S. led Iraqi Occupation Government, the Coalition Provisional Authority (CPA), L. Paul Bremer III:
  - a. A former corporate consultant, had no specific experience, education or training in Iraq security, policing, the military, or occupying a country.
  - b. Had full authority over the CPA and full executive, legislative, and judicial authority over Iraq and its people.
  - c. Controlled most of the funding for Iraq and had signature authority from the President of the United States. *Nothing happened without his agreement* according to a UN official

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<sup>6</sup> Oil Companies in Iraq: A Century of Rivalry and War (November 2003), <http://www.globalpolicy.org/security/oil/2003/2003companiesiniraq.htm>

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d. Did not have an exit strategy or exit plan because Bush, Cheney, Bremer and others had no intention of leaving Iraq. However, they did have a secretive, extensive economic plan for post-war Iraq developed at least six months before the invasion. On February 21, 2003, executives of Bearing Point had delivered this plan, which Bremer used to:

i. Manage the occupation and attempts to economically subjugate and colonize Iraq.

ii. Gain control of Iraq oil and oil profits for U. S. Oil companies, the opening of Iraq to U.S. corporations, the advance of the neo-con agenda, etc.; but, not on the provision of basic security and basic services, e.g. water, electricity, hospitals, as required by the Hague Regulations and Geneva Convention .

iii. Change and made law by issuing one hundred Coalition Provisional Authority (CPA) regulations referred to as the "Bremer Orders".

9. With his orders, Bremer, among other things:

a. Fired 120,000 of Iraq's most experienced and highest ranking civil servants, which, after about five months, caused the government to slide into a state of total disarray.

b. Disbanded the Iraqi military, refused to continue to pay their salaries, handed security and reconstruction work to private U.S. companies, turning 2.4 million Iraqis, including soldiers' families, against the U.S., all in the first month of the occupation.

c. Institutionalized production sharing agreements (PSA's) which could extend for an unheard of 30 years with oil companies receiving as much as 75% of profits with the remaining going to Iraq. These would earn massive profits for oil companies while costing the Iraqi people hundreds of billions of dollars.

d. Except for the oil reserves and industry, privatized most of the rest of Iraq's resources and state-owned enterprises. (Note that as of late May 2007, the U.S. continues to illegally pressure the government of Iraq to pass the new petroleum law written by Bearing Point under contract with the U.S. which would turn over as much as 87% of Iraqi oil reserves to oil companies selected by U. S. government officials)

e. Allows for 100% of ownership of Iraq's businesses by non-Iraqis by overriding Iraqi ownership laws.

f. Allowed unrestricted, tax-free remittance of all profits and other funds away from Iraq by foreign corporations.

g. Provided the right for corporations to take legal disputes out of Iraq's courts and into international tribunals.

h. Suspended *all tariffs, customs duties, import taxes, licensing fees and similar surcharges for goods entering or leaving Iraq*. This led to an immediate inflow of cheap foreign products, vegetables, wheat, etc., which devastated local producers and sellers.

i. Gained control over telecommunications, broadcasting, information services, and other forms of media in Iraq and heavily censored the media, padlocked and left newspapers in ruin, etc.

j. Granted full immunity from Iraqi laws and the Iraqi legal system to Coalition Military Forces and all foreign contractors.

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- k. Gave foreign contractors freedom from all income taxes, corporate taxes, and sales taxes.
  - l. Replaced Iraq's progressive tax strategy with a flat tax.
  - m. Created a U.S. "corporate haven," - a model and starting point for the rest of the region.
  - n. Placed American representatives in key decision-making positions within each government ministry, to ensure its indirect rule over Iraq.
  - o. Established a commission that gave the Bush Administration the power to disqualify political parties and their candidates from participating in Iraqi elections.
10. Bremer was well aware of what his policies would do to Iraq and its people. In a November 2001 paper "*New Risks in International Business*," Bremer:
- a. Outlined the risks to multinational corporations associated with the implementation of corporate globalization policies.
  - b. Walked through the devastating impacts of each policy on local populations. Warned companies that the *painful consequences of globalization are felt long before its benefits are clear*.
  - c. Explained that privatization of basic services almost always leads to price increases for those services, which in turn often leads to protests or even physical violence against the operator.
  - d. Said globalization has a very disparate effect on incomes, which causes political and social tensions.
  - e. Said that the elimination of trade protections destroys small companies and causes enormous pressures on retailers.
11. The policies that Bremer described in his 2001 report as being devastating to a country were among those he himself implemented.
12. President Bush also appointed Phil Carroll, a former high-ranking US oil executive, to assume control of Iraq's oil industry.
13. On May 22, Bush issued Executive Order 13303 giving immunity to oil companies for all activities in Iraq and deals involving Iraqi oil.
14. On May 22, 2003, the UN Security Council passed Resolution 1483 which, among other things:
- a. Recognized the U.S. and UK *as occupying powers with specific authorities, responsibilities, and obligations under applicable international law*.
  - b. Stressed *the right of the Iraqi people to freely determine their own political future and control their own natural resources, ... and expressed resolve that the day when Iraqis govern themselves must come quickly*.
  - c. Stressed *the need for respect for the archaeological, historical, cultural, and religious heritage of Iraq, and for the continued protection of archaeological, historical, cultural, and religious sites, museums, libraries, and monuments*.
  - d. Called upon the U.S. and UK, *to promote the welfare of the Iraqi people ... including in*

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*particular, working towards the restoration of conditions of security and stability and the creation of conditions in which the Iraqi people can freely determine their own political future.*

e. Called upon the U.S. and the UK *to comply fully with their obligations under international law including in particular the Geneva Conventions of 1949 and the Hague Regulations of 1907.*

15. The Geneva Conventions and the Hague Regulations, both ratified by the U.S. are, along with the U.S. Constitution, *the supreme Law of the Land* and require, among other things, that:

a. The people of the occupied country and *prisoners of war must at all times be humanely treated.* The legal definition of "humane" is: *Kind, tender, compassionate. Disposed to eliminate the cause of suffering of man or beast.*

b. An occupying power *take all the measures in his power to restore, and ensure, as far as possible, public order and safety, while respecting unless absolutely prevented, the laws in force in the country.*

c. An occupying country is required to ensure functioning electricity, potable running water, safe streets, and that the basic necessities of life are provided and is not permitted to make changes in the country's law beyond those absolutely necessary to meet these obligations.

16. On October 13, 2005, U.S. Ambassador to Iraq, Zalmay Khalilzad, and Iraqis selected by the Bush Administration secretly rewrote key provisions of the new Iraqi Constitution.

17. The contents of the newly revised Constitution and the fact that it had been revised were not made public.

18. There were no debates or discussions and elected officials did not see the final version until after it was voted on in the National Referendum on October 15, 2005.

19. Ratification of the Constitution locked in most of the "Bremer Orders."

20. *The new constitution also created a country where religion is substantially intermingled with the government - a formula for disaster. In a heterogeneous country like Iraq the government will NOT succeed unless it is officially secular<sup>7</sup>.*

21. By focusing efforts on changing Iraq's laws, "privatizing " Iraq's resources, industries and businesses, the opening of Iraq to U.S. corporations, the advance of the Bush Agenda, etc, instead of the immediate provision of basic security and basic services (e.g. water, electricity, hospitals), Bremer:

a. Caused much of the strife in Iraq today.

b. Led to the destruction of much of the foundations of the Iraqi economy and social structure.

c. Brought Iraqi development to a standstill in many areas.

d. Caused the death and injury of scores of thousands of innocent civilians.

22. Iraq has a multi-ethnic heterogeneous society with three very large groups (Sunni Arabs, Shia Arabs, and Kurds) and numerous smaller groups . Although many members of the three largest groups can be found in other parts of the country, in particular Bagdad, they generally live in three

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<sup>7</sup> From the article *the Path to a Stable Iraq* by Kamal Nawash

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jurisdictions formally established by the new Iraqi Constitution<sup>8</sup>:

a. Kurds mainly in the oil rich North and are now behaving like they live in a separate country.

b. Shia Arabs mainly live in the oil rich south.

c. Sunni Arabs mainly live in the center of Iraq which is resource poor. Sunni Arabs generally:

i. Had ruled Iraq off and on for many years and held many responsible positions in the Iraqi government before the U.S. invasion. After the invasion, they lost almost all significant political and economic power when Bremer shifted American support to the Shias and Kurds.

ii. Did not support Saddam Hussein.

iii. Were disproportionately affected by debathification, the process by which Bremer and the Iraqi government fired and would not hire members of the former ruling Baath party Sunnis, argue that their membership was out of necessity and that it is not fair to target them.

iv. Want Iraq to remain united, intact and have a secular government.

v. Now feel that the new government does not represent their interests and responded to their marginalization with an uprising.

## VII. The Results of the Invasion and Occupation of Iraq

The Iraq Study Group Report released in November 2006:

Provides description of the deplorable conditions in Iraq, the very poor condition of the Iraqi army and the even worse condition of the Iraqi police force and states:

- *Only 36 percent of Iraqis feel their country is heading in the right direction.*
- *Seventy-nine percent of Iraqis have a "mostly negative" view of the influence that the United States has in their country.*
- *Sixty-one percent of Iraqis approve of attacks on U.S.- led forces.*
- *If Iraqis continue to perceive Americans as representing an occupying force, the United States could become its own worst enemy in a land it liberated from tyranny.*
- Stresses the need for diplomacy but does not call for a full withdrawal of U.S. troops and security contractors, eliminating permanent bases, etc.
- Mentions oil over 65 times.
- States "*the United States should assist Iraqi leaders to reorganize the national oil industry as a commercial enterprise*" and recommends using U.S. Military personnel to protect the oil industry. **This appears to mean privatizing and unlawfully putting almost all of Iraq's oil industry, oil reserves and profit from oil sales under the control of U.S. and British oil companies so that these oil companies would realize potential profits of trillion dollars.**

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<sup>8</sup> Most of the information in this section is paraphrased from the article, the *Path to a Stable Iraq* by Kamal Nawash

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According to Cathy Kelly, in a article published in April 2008, *available statistics about the consequences of the US invasion and occupation of Iraq speak of misery and chaos nearly unimaginable to most Americans.*

- *One out of six Iraqis [approximately 4.7 million] have been displaced from their homes.*
- *122,000 Iraqi children didn't reach their fifth birthdays in the year 2005 alone.*
- *54 percent of Iraqis live on less than \$1 per day, including 15 percent who are forced to live on less than fifty cents per day.*
- *Seventy percent of Iraq's people lack access to potable water.*
- *Forty-three percent of Iraqi children under age five suffer a form of malnourishment, with 23 percent suffering from chronic malnourishment and eight percent suffering acute malnourishment. Forty percent of Iraq's population are children under age 15.*
- *In the past year, US aerial bombardments of Iraqi neighborhoods increased fivefold while the number of Iraqis incarcerated in US prisons in Iraq has doubled. (Some 24,000 Iraqis are now imprisoned by US forces, approximately 650 of whom are juveniles).*
- *If a foreign country were bombing US cities and imprisoning US civilians, would we ever agree to pay the invaders' military expenses? Would we agree that the aggressor nation had no fiscal responsibilities to pay for reparations?<sup>9</sup>*

The surge did not work. Security sweeps have taken a heavy toll on US forces. Since the February 14, 2007 start of the US-led offensive, deaths among American soldiers climbed 21 percent in Baghdad compared with the previous two months. The bloodiest year of the occupation was 2007. *Iraq casualties have spiked in the last few months. Iraq deaths rose from 568 in December to more than 1082 in March. U.S. Troops from 23 in December to 38 in March.*

Our military is deteriorating the heroic efforts.. There are more terrorists in the world today now. America is less secure.

At of the end of February, 2008, over 4000 U.S. service members have been killed and well over 25,000 seriously wounded. Over 500,000, Iraqis (mostly innocent civilians and children) have been killed and millions are displaced

The invasion and occupation has already directly cost U.S. taxpayers over \$900 billion and will ultimately cost over \$ 3 trillion. These funds are desperately needed for services for working Americans (e.g. adopting alternative energy sources, creating new domestic jobs, rebuilding infrastructure of American cities, education, health care, protecting our environment, etc.).

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<sup>9</sup> From the article **Weary of War? Don't Collaborate**, By Kathy Kelly, Friday 18 April 2008.

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### VIII. Conclusions:

1. The situation in Iraq is an occupation not a war. There is no such thing as winning an occupation. Winning in Iraq means stealing Iraq's oil and oil profits.
2. The Iraq invasion and occupation were from the beginning and still are illegal, unjust and immoral.
3. Saddam Hussein had nothing to do with Al Qaeda or 9/11 and had no weapons of mass destruction. His secular Ba'athist state was scorned by fundamentalist Muslims.
4. Saddam Hussein should have been indicted and tried, in absentia if necessary, in the International Criminal Court in a just, orderly fashion that guaranteed continuity of the government in Iraq.
5. The occupation of Iraq has and is continuing to:
  - a. Cause the unnecessary deaths and maiming of United States servicemen and Iraqis.
  - b. Cause massive damage to the infrastructure, buildings, hospitals, homes, mosques, bridges, waterways, etc. of Iraq.
  - c. Seriously harm the defense, security and reputation of the United States.
  - d. Contribute to instability in the Middle East.
  - e. Generate more terrorist than are being killed or detained.
  - f. Contribute to increasing fuel and energy costs.
  - g. Decrease availability and security of world energy resources.
  - h. Contribute to budget deficits and increased government debt.
6. Absent a formal declaration of war, the U. S. Constitution, treaties, and other laws prohibits:
  - a. Congress authorizing the President to use the United States Armed Forces, private security guards and the CIA against Iraq, to conduct clandestine operations in Iraq, to use any form of force in Iraq, to occupy Iraq, etc.
  - b. The President using the United States Armed Forces, private security guards and the CIA against Iraq, conducting clandestine operations in Iraq or using any form of force in Iraq, occupying Iraq, etc.
  - c. Prohibits Congress authorizing any funds to use the United States Armed Forces against Iraq, to conduct clandestine operations in Iraq, to use any form of force in Iraq, to occupy Iraq, etc.

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### 7. Senior U.S. officials wrongfully and unlawfully :

a. Lied about the reasons for invading and occupying Iraq

b. Had Iraq invaded and occupied because they wanted to help U.S. and UK oil companies illegally control as much as possible of Iraq's oil industries and reserves and to help U.S. and UK oil companies take as much as possible of the trillions of dollars of Iraqi oil profits. This war is not just about ensuring the U.S. has a supply of oil –Iraq would happily sell oil to the U. S. at market prices.

c. Have focused efforts on Iraq oil and the opening of Iraq to U.S. corporations, not on the immediate provision of basic security and basic services, e.g. water, electricity, hospitals, as required by the Hague Regulations

d. Rewrote the Constitution of Iraq and changed the laws of Iraq so that U.S. and other foreign oil companies would not have to pay taxes on these profits and could immediately transfer these profits out of Iraq and to their offices in countries other than the U.S. so that they would not pay U.S. taxes. (As a matter of fact, U.S. oil companies would not even have to sell Iraqi oil to the United States and could increase the price of oil at will by withholding Iraq oil from the U.S.)

e. Keeping U.S. Armed Forces and defense contractors in Iraq to provide security for and help U.S. oil companies control Iraq's oil industries and reserves and reap massive profits from Iraq's oil sales because they are afraid that Iraq will nationalize all their oil reserves if U.S. forces leave.

f. Have violated various U.S. and Iraqi laws, the Geneva Convention, Hague Regulations, UN Security Council Resolution 1483 of May 22, 2003, and other international laws, etc.

### 8. Certain members of Congress have wrongfully and unlawfully appropriated taxpayers money to be used to:

a. Purchase munitions to kill, maim, abuse, detain and subjugate Iraqis

b. Pay private security contractors (including mercenaries) to provide security for the Iraq oil ministries, U.S. Oil companies and war profiteers but not the museums and mosques in Iraq.

c. Pay the salaries of the senior officials who planned and executed this illegal and immoral war and the theft of Iraqi oil.

d. Provide the dogs used to abuse detainees.

e. Rewrite the laws and the Constitution of Iraq in violation of the Hague Regulations of 1907 and the Geneva Conventions

f. Create and maintain illegal prisons in Iraq, Guantanamo and around the world.

## Summary of the U. S. Occupation of Iraq

g. Build a number of permanent military bases to occupy Iraq indefinitely and which could be used to launch attacks against other Mideast countries

h. Fund illegal, non-competitive contracts that have wasted billions of dollars of taxpayers dollars.

9. On April 24, 2007, Congress enacted legislation to wrongfully and unlawfully:

a. Appropriate additional funds for these immoral, illegal acts.

b. Attempt to force the Iraqi parliament to pass the so called New Hydro-Carbon Law which would give control of up to 84 percent of Iraqi oil reserves and trillions of dollars of oil profits to foreign, primarily U.S. oil companies.

10. On April 25, 2007, President Bush signed this legislation into law.

11. Iraq can easily use management and technical service type contracts to hire individuals to do any needed work instead of having large oil companies do this work for a percentage of the profits.

12. Congress has not provided any meaningful oversight over the current administration or the Iraq invasion and occupation..

13. The people of the U.S. are paying for the war with their lives, maimed bodies and taxes and having to paying salaries and expenses of the legislators who vote for more war spending. The people of the U.S. also pay over twice as much for a gallon of gasoline as they did six years ago.

14. Oil companies, defense contractors and other war profiteers are reaping massive profits from the war. Executives and employees from these companies are donating more and more to many representatives and senators and other elected officials under the guise of campaign contributions.

15. Appropriating funds for the illegal and immoral war/occupation of Iraq is a war crime and a crime against humanity. Accepting campaign donations from war profiteers is crime of moral turpitude.

16. The insurgency in Iraq has been and is being fueled by:

a. The killing and maiming of scores of thousands of innocent Iraqis including women and children.

b. The wrongful and unlawful abuse, detention, torture and murder of Iraqis.

c. The massive damage to the infrastructure, buildings, hospitals, homes, mosques, bridges, waterways, etc. of Iraq.

d. The fact that Iraq was illegally invaded and is being occupied so that U.S. and U.K. oil

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companies can wrongfully take control of as much as possible of Iraq's massive oil reserves and reap massive profits from the sale of Iraq oil.

e. The prolonged, wrongful and unlawful occupation of Iraq by the United States.

f. The prospect of a very long-term U.S. military presence in Iraq as indicated by the building of permanent United States military bases and refusal to have a timeline for withdrawal of U. S. Forces.

g. United States senior officials and legislators siding with and providing offensive weapons to Israel and supporting Israel's prolonged and brutal occupation of Palestinian territories

h. The natural tendency of individuals to resist tyranny, colonization and aggression.

17. The people of Iraq and their supporters have a right to resist aggression and attempts to take their resources.

18. All of Iraq's industries, oil reserves, other resources, etc. belong to the Iraqi people.

19. The United States has a considerable responsibility to the people of Iraq.

20. Most Iraqis want the U.S. to withdraw. The longer our troops remain in Iraq the worse it will get. The U.S. military and privateers in Iraq are a provocation and the greatest obstacle to achieving any kind of political settlement there, and the greatest threat to our own national security. *Opinion polls in Iraq show that the occupation has become increasingly and decisively unpopular. Even polls commissioned by the US and UK governments demonstrate clearly that a large majority of Iraqis are critical and favor a speedy withdrawal. By a large margin, Iraqis now feel that the occupation increases insecurity and sectarian violence. More than ever, Iraqis overwhelmingly want the occupation to end.*

21. The United States cannot abruptly depart from Iraq nor can U.S. troops remain in populated areas where they are not wanted or needed.

22. Any further military action by and even the presence of U. S. Troops in Iraq, will make matters worse.

23. The longer it takes to make to make a decision to withdraw from Iraq, the more lives will be lost.

24. A timely U.S. military withdrawal is in Iraq's and the United States' best interest.

25. The U.S. must make amends for its mistakes.

26. No country in the region will benefit, from chaos in Iraq.

27. Neo-cons and some multinational corporations are attempting to implement similar policies

## Summary of the U. S. Occupation of Iraq

all over the world through so called “free trade” agreements, by taking over and/or bullying international organizations, bribing officials, lobbying with campaign contributions, etc.

28. We cannot allow the Iraq conflict, war profiteering, nuclear proliferation and the Israel-Palestine situation to continue. We must continue work to understand the underlying causes of these problems and solve them.

29. Until the United States takes responsibility, makes considerable amends and completely withdraws from Iraq, the U.S. will have essential no credibility in the world community.

30. A high percentage of the Iraqi and much of the world has lost confidence in President Bush and his administration and the United States.

31. The path to a stable Iraq can ONLY result from political and economic, not military solutions, in which all the parties have a stake in the new Iraq

32. If the U.S. does withdraw, are just and stop siding with Israel, the insurgents “will not follow the U.S. home” and Al Qaeda will leave or be forced out of Iraq.

33. United States Armed Forces as the occupying power should not be abruptly withdrawn from Iraq.

34. United States Armed Forces must have a plan for a rapid withdrawal.

35. Offensive and clandestine operations in Iraq, Iran by the C.I.A., U.S. military forces and security contractors are illegal and should cease immediately.

36. Timely, fair, fully creditable regional and national elections so that true democratic self rule can be put into place must be held without the presence or influence of the U.S.

37. The United States, as an "occupying power ", has specific obligations under the Geneva Conventions, the Hague Regulations and UN Security Council Resolution 1483, all of which the U.S. must live up to.

38. President Bush’s reasoning ability and his judgment were faulty and dangerous. He resisted redeploying or withdrawing U.S. forces until the new oil law could be passed and US oil companies had secure access to Iraq's oil which will probably never happen.

### IX. Next Steps:

- Execute the **Proposed Plan to End Iraq and Afghanistan Wars and End Offensive Operations in Pakistan**, ([http://www.wethepeoplenow.org/proposed\\_plan\\_iraq.pdf](http://www.wethepeoplenow.org/proposed_plan_iraq.pdf))
- Discreetly Prosecute Public Servants and others who have broken the law or refuse to provide honest services, as outlined in the **Plan to Prosecute Public Servants et al and Provide Restorative Justice and Reconciliation Opportunities for Victims and Perpetrators of Crimes** ([http://www.wethepeoplenow.org/plan\\_prosecute\\_officials.pdf](http://www.wethepeoplenow.org/plan_prosecute_officials.pdf))

## **Summary of the U. S. Occupation of Iraq**

- Outline, study and take actions on lessons learned from these invasions, occupations ,wars and the use of force.

## Summary of the U. S. Occupation of Iraq

### ATTACHMENT A

#### **Proof of the Unconstitutionality and Illegality of the Iraq and Afghanistan Invasions / Occupations, the Use of Force in Pakistan and the So-called War on Terror**

1. The Constitution means exactly what it says. In legal terms this means: *If a constitutional provision is plain and unambiguous, we do not construe it but apply it as written*<sup>10</sup>. The framers of the U.S. Constitution clearly intended that the president not have the authority to wage any acts of war without Congress specifically declaring war. The Constitution specifically gives Congress the responsibility: *“To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;”* As President James Madison once said: *“War ... should only be declared by the authority of the people, whose toils and treasures are to support its burdens, instead of the government which is to reap its fruits... Testimony of all ages forces us to admit that war is among the most dangerous enemies to liberty, and that the executive is the branch most favored by it of all the branches of Power.”*

2. In September/October 2002, President Bush presented a proposed use-of-force-against-Iraq resolution to be acted on by Congress. When the House of Representatives debated this resolution, Congressman Dennis Kucinich made the case for NOT going to war. He prepared a paragraph by paragraph [Analysis of the Joint Resolution on Iraq](#) pointing out “Key Issues” which argued against Congress voting to go to war. He distributed his analysis, personally, to over 200 members of Congress from October 2, 2002 until October 10, 2002 when the vote occurred.

3. The Authorization for Use of Military Force Against Terrorists (Pub. L. 107-40, 115 Stat. 224, enacted September 18, 2001), and "AUMF" ("Authorization for Use of Military Force Against Iraq Resolution of 2002") approved by the House and Senate in October, 2002, were obtained by fraud and has been used to commit fraud and are unconstitutional, null and void.

4. Without a formal declaration of war, it is illegal for Congress to authorize or appropriate money for the Iraq War or the so called war on terror and it is illegal for the President wage such wars, use force or conduct any military operations in Iraq or any country in the world.

5. The items in italics below are excerpts from the February 20, 2006 article “The Constitution Limits the President Even as "Commander in Chief", by Dr. Edwin Vieira, Jr., Ph.D., J.D. (Available at <http://www.newswithviews.com/Vieira/edwin32.htm>)

6. In his article Dr. Vieira makes it clear that:

*The President, even as "Commander in Chief," has a circumscribed and contingent authority dependent upon mandates from Congress not some limitless "inherent" power*

*Merely labeling some situation a "war" cannot call the President's rightful powers as "Commander in Chief" into operation*

*according to strict constitutional logic, a "war on terror" is an existential impossibility--if only*

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<sup>10</sup> Town of Madison v. Ford, 255 Va. 429, 498 S.E. 2d 235 (1998).

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*because "terror" is a tactic, not a country; and "terrorists" do not constitute one or more independent nations, but at most are mere bands of private criminals.*

*Congress has never exercised its constitutional power ... to declare a "war on terror."*

*Congress has not declared "war" on Iraq, either*

*This absence of Congressional action is consequential, because only Congress has the power "[t]o declare War." And the Constitution plainly understands that, absent such a declaration from the only source authorized to pronounce it, a "War" cannot be conducted legally by the United States.*

*the Constitution denies the President any pretense of power himself either "[t]o declare War" or to involve this country in actions usually appropriate only after such a declaration has been made. (For example, ordering American soldiers intentionally to kill the soldiers of some other nation, ... )*

*an attack by one nation upon another independent nation not justified by "the common defence" of the former constitutes a crime under international law, as settled at the Nuremberg and Tokyo War Crimes Trials."*

*a declaration of "War" by the United States against some other nation in the course of "the war on terror" ... certainly cannot be rationalized by an airy appeal to "spreading democracy" in foreign lands. ... Nowhere does the Constitution empower the United States to further naked "democracy," either at home or abroad, by any means, let alone "War."*

*Neither could a declaration of "War" be justified simply on the grounds of defending some other country.*

*even if the leaders of some other nation were planning to attack the United States in the indefinite future, a declaration of "War" now would be beyond Congress's power. ... preemptive war has been considered illegal for several hundred years.*

*Nowhere does the Constitution empower Congress to exercise "force" itself, or to license the President to do so.*

*because he is "Commander in Chief" "of the land and naval Forces" and of "the Militia of the several States," the President is bound by such rules and regulations Congress provides for those entities.*

*If the President does disregard or violate any valid Congressional directive or prohibition relating to "the Government and Regulation of the land and naval Forces" or the Militia, then to that extent he fails to perform his duty to "take Care that the Laws be faithfully executed.". If his failure is intentional, the President violates his "Oath or Affirmation \* \* \* that [he] will faithfully execute the Office of President of the United States, and will to the best of [his] Ability, preserve, protect and defend the Constitution of the United States." Such perjury constitutes a "high Crime[ ]" for which the President may--and should--be impeached, convicted, and "removed from Office."*

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*The case is even clearer if the agency involved in the President's misdeeds ... is a purely civilian agency, such as the NSA. ... a civilian agency is entirely a creature of Congress, which Congress may create or refuse to create, and to which it may give such powers, or from which it may withhold such powers, on such conditions, as it chooses. With respect to such an agency, the President enjoys no authority other than what Congress delegates to him--and self-evidently no power that Congress withholds. ... Should the President venture one Angstrom Unit beyond the boundaries of the statute that creates the agency and defines its authority, he would not be "tak[ing] Care that the Laws be faithfully executed." And if this misstep were intentional, he would be subject to impeachment, conviction, and removal from office*

*"self-defense"--whether on the part of an individual or a nation--is a specific legal conception, not a open-ended license simply to shoot first and ask questions later. At the minimum, the use of deadly force in self-defense is justified only in response to some imminent, unavoidable peril. The defender must employ only the amount of force reasonably necessary to stop the attacker. And the defender must cease the use of force when the threat has been thwarted, not continue to apply, let alone to escalate, force so as to turn his own actions from self-defense into aggression.*

*Moreover, even self-defense would not necessarily entail "War," unless Congress so declared.*

*the contention that "the war on terror," as it is being waged, has any sound constitutional basis at all is bogus.*

*Congress cannot authorize the President to take any actions that violate the guarantees of, say, the Second, Fourth, Fifth, Sixth, and Eight Amendments. Neither can the President's own powers (whatever they may be) override these, or any other, constitutional limitations.*

*the President cannot have "inherent" authority to declare anyone to be an "enemy combatant," without recourse to judicial review.*

*In sum, the arguments that all too many "conservative" media personalities typically put forward these days to infuse the Presidency with Fuhrer-like powers are the products of constitutional illiteracy. They are, however, not just nonsense, but extremely dangerous nonsense--because they will surely be trotted out in the future in support of a comprehensive police state*

*"situation constitutionalism"--the notion that the Constitution may be creatively interpreted to fit some immediate political agenda, rather than all political agendas being required to square with the original intent of the Constitution--is a Sirens' song that will surely lure America's ship of state onto the rocks of destruction. And far sooner than most Americans imagine.*

## Summary of the U. S. Occupation of Iraq

### **ATTACHMENT B** **Iraqi Oil and Oil Profits:** **The Primary Reason Iraq was Invaded and Remains Occupied**

Iraq was invaded and occupied primarily to help U.S. and UK companies gain control of Iraq's oil industry and reserves and much of its economy<sup>11</sup>, and to steal trillions of dollars of **oil profits**<sup>12</sup>. (not simply to get oil for the U.S. or to reduce the price of oil in the U.S.)

The amount of the profits will depend upon:

**1. The amount of oil in Iraq's reserves.**

2. Iraq probably has more than **400 billion barrels** of high-grade/high value crude oil according to the U.S. State Department.

3. Oil, such as that in Iraq, has recently sold for as much as \$147 per barrel. Considering increasing world-wide demands and dishonest speculators, the price of Iraqi oil will probably average **over \$100** over the next few decades

4. Most Iraq's oil is under relatively high pressure from water and associated natural gas deposits, close to the surface and in enormous fields. This oil can be tapped with relatively few, shallow wells and very little pumping energy for less than \$1.50 a barrel including all exploration, oilfield development and production costs.

With an estimated 400 billion barrels of oil in the Iraqi reserves and assuming a conservative 80% recovery rate, means that potential profits from Iraq oil could be as much as \$30 trillion.

All these profits belong to and should go to the Iraqi people. Iraq does not need the oil companies capital or help. Iraq has all the development capital it needs and they can use technical support type contracts that do not require payments as a percentage of profits, or per gallon.

Iraq would happily sell to the oil companies all the oil they want at market prices; however, the oil companies would not be able to get their hands on any of these profits.

The following describes how Bush, Cheney, Bremer, et al:

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<sup>11</sup> Please note that many of the facts in this document are paraphrased or directly quoted, with permission, from the outstanding book The Bush Agenda: Invading the World One Economy at a Time by Ms. Antonia Juhasz. Both documents are recommended reading by anyone interested in Iraq, globalization, trade, economics, world peace, etc.

<sup>12</sup>. The Iraq Oil Bonanza: Estimating Future Profits (January 28, 2004) I by James A. Paul, Global Policy Forum, <http://www.globalpolicy.org/security/oil/2004/0128oilprofit.htm>. Other information regarding oil in Iraq are from three additional articles by James A. Paul, at [www.globalpolicy.org](http://www.globalpolicy.org):

Oil in Iraq: the Heart of the Crisis (December 2002)

Oil Companies in Iraq: A Century of Rivalry and War (November 2003),

<http://www.globalpolicy.org/security/oil/2003/2003companiesiniraq.htm>

Iraq: the Struggle for Oil (August, 2002)

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1. Took over the economy of Iraq, rewrote their laws and constitution, installed a puppet regime and managed the occupation from the White House and the “Green Zone” with U.S. personnel imbedded in most government departments, in particular, the oil ministry<sup>13</sup>.
2. Appeared to have the power to decide which oil company got which oil field.
3. Institutionalized production sharing agreements (PSA's) which could extend for an unheard of 30 years with oil companies receiving as much as 75% of the profits with the remainder going to Iraq. These would earn massive profits for oil companies at the expense of the Iraqi people.
4. Wrongfully and unlawfully had the laws of Iraq changed so that U.S. and other foreign oil companies would not have to pay taxes on these profits and could immediately transfer these profits out of Iraq and to their offices in countries other than the U.S., so that they would not pay U.S. taxes either. (As a matter of fact, U.S. oil companies would not even have to sell Iraqi oil to the United States and could control the price of oil by withholding Iraq oil from the U.S.)

Two things remain for U.S. oil companies to get control of Iraqi oil and the profits:

1. Convince the Iraqi Parliament to enact the new National Petroleum law. This law, which was written by U. S. government employees and contractors, could unlawfully give mainly U.S. oil companies control of at least 64 percent and as much as 87 percent of the Iraqi oil reserves<sup>14</sup>. The law has been approved by the Council of Ministers and is awaiting approval by parliament. Most Iraqis and the powerful oil workers union oppose this law and any form of de-nationalization of the oil reserves.
2. Congress appropriations of taxpayers money for U.S. troops and mercenaries to provide security on the ground for the oil companies and to protect the puppet regime in the Green zone and other enclaves. Since Iraqi soldiers and policeman don't seem willing to get killed to help Americans steal their oil, their performance is uncertain, and therefore Bush/Cheney would not agree to U.S. troop or security guard (mercenaries) withdrawals no matter how many Iraqi's and Americans are killed and how much of Iraq is destroyed. President Obama is now doing the same

Language in H.R. 1591 - the Supplemental Spending Act, passed by the House pressured the Iraq Legislature to pass the new National Petroleum Law which would give control over 64-87% of Iraq oil reserves to U.S. and UK oil companies.

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<sup>13</sup> The Iraq War's Oil Timeline by Antonia Juhaz, <http://www.leftturn.org/?q=node/384>

<sup>14</sup> *According to a new report by Greg Muttitt of the London-based research organization Platform, Iraq's ..... new law allows for currently producing oil fields—17 out of 80 known fields—to be developed by Iraq's National Oil Company, while all new fields—63 out of 80 known fields—would be opened to private oil companies using PSAs, giving private companies control of at least 64 percent of Iraq's known reserves. If a further 200 billion barrels of oil are found in Iraq, as Iraq's Oil Ministry predicts, foreign companies could control 87 percent of Iraq's oil.*