

Whitney for Governor 2006

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Rich Whitney Promises: “If elected, I will fight to keep the Illinois National Guard at home – out of Iraq!”

Rich Whitney’s position paper on his pledge, if elected Governor, to veto any further mobilization of the Illinois National Guard for purposes of serving in Iraq.

The current war and occupation in Iraq is plainly illegal and immoral. It is illegal under established international law, under the U.N. Charter and under the Charter of the Nuremberg Tribunal. And it is immoral under a certain moral code that tells me that we shall not kill, we shall not steal, we shall not bear false witness against our neighbors and we shall not covet our neighbor’s goods – even if those goods happen to include massive amounts of oil.

The illegality of the invasion of Iraq under international law has been well demonstrated by a number of analyses. One particularly good example is the report, *Tearing Up the Rules: The Illegality of Invading Iraq*, published in March 2003 by the Center for Economic and Social Rights. (See <http://www.cesr.org/iraq/docs/tearinguptherules.pdf> for a copy.) As that report explains:

Under Article 1(1) of the Charter, the world organization’s central purpose is “to bring about by peaceful means and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace.”

Similarly, Article 2(3) obligates member states to “settle their international disputes by peaceful means,” while Article 2(4) provides that: “All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.

It is beyond dispute that these provisions, and the Charter as a whole, impose a general prohibition on the use of force to resolve conflicts in international relations. The Security Council and General Assembly have consistently reaffirmed this legal principle. . . .

Only two exceptions, specified in the Charter and supplemented by customary international law, permit the lawful use of force. First is the right of individual or collective self-defense in response to an armed attack, under Article 51. Second is the specific authorization of force by the Security Council as a last resort to maintain international peace and security, under Chapter VII.

Since the U.S.-led coalition invasion of Iraq did not meet either of these exceptions (it was never

attacked or even threatened by Iraq), it was plainly an unlawful act of aggression.

After the horrors of World War II, the Allied forces convened an International War Crimes Tribunal at Nuremberg, Germany, which tried and convicted many of the Nazi war criminals who had caused and carried out the Third Reich's atrocities. At that time, the U.S. government was in the forefront of condemning wars of aggression – no matter what the “excuse”:

Preventive war is unequivocally illegal. In 1946, the International Military Tribunal at Nuremberg rejected Germany's argument that it had been compelled to attack Norway and Denmark in self-defense to prevent a future Allied invasion. The Tribunal concluded that these attacks violated customary law limits on self-defense and instead constituted wars of aggression whose prohibition was demanded by the conscience of the world. As the Tribunal stated: “To initiate a war of aggression, therefore, is not only an international crime; it is the supreme international crime differing only from other war crimes in that it contains within itself the accumulated evil of the whole.”

No excuse offered by the Bush administration for invading Iraq – not the claimed “weapons of mass destruction” (even if they had existed), not the repressive and brutal nature of the Hussein regime (which our government had supported for many years prior to 1991), not its false suggestion that the regime had some “ties” to Al Qaeda, and not its after-the-fact phony “justification” that it was motivated to promote democracy (even as the U.S. government today provides military support or aid to over 30 dictatorships around the world) – can alter the fact that the invasion was a “supreme international crime.”

We must make it clear to the Germans that the wrong for which their fallen leaders are on trial is not that they lost the war, but that they started it. And we must not allow ourselves to be drawn into a trial of the causes of the war, for our position is that no grievances or policies will justify resort to an aggressive war. It is utterly renounced and condemned as an instrument of policy.

Robert L. Jackson, Chief Prosecutor at Nuremberg and U.S. Supreme Court Justice, August 12, 1945.

It is a morally sickening development that our government – which once championed the cause of international law and order, as shown here – has sunk so low as to commit the very kind of crime that was universally condemned at Nuremberg. Every good and patriotic American should be offended by what the Bush administration – and its Republican and Democratic “yes men” in Congress – has done to sully our country's good name.

It follows from this that good and patriotic Americans have a solemn civic duty to try to right the wrongs that have been committed. And let no one confuse that duty by claiming that there is an overriding duty to “support the President,” “not divide the nation” or “support our troops.” That is total rubbish! Our duty is to stop our government's criminal conduct! Of course we support our service men and women and want them to be safe. That's not the point. We do not oppose them; we oppose our government using them for an illegal war and occupation.

The executive branch, including the President and the armed forces, is supposed to be the servant of 'We The People.' We fought a revolution to establish the right of the people to have that control over government. It is not only our American right and privilege, it is our duty to raise our voices and criticize our government when it is in error. As Thomas Jefferson once warned, “Every government

degenerates when trusted to the rulers of the people alone. The people themselves are its only safe depositories.”

Another renowned President, Teddy Roosevelt, who was not exactly a pacifist, agreed. He once proclaimed, “To announce that there must be no criticism of the president, or that we are to stand by the president right or wrong, is not only unpatriotic and servile, but is morally treasonable to the American public.”

It is precisely because we have a civic duty to right the wrongs being committed by the present administration, and halt the misuse and abuse of our young men and women who have been sent to fight and die for an illegal war that I have promised, if elected, to do everything humanly possible to keep the Illinois National Guard at home – out of Iraq.

Under our State Constitution and statutes, the Governor is the Commander in Chief of the Illinois State Militia or National Guard. The history behind the “State Militia” simultaneously constituting the “National Guard” is itself revealing. Without going into great detail here, we should remind ourselves that, in the early days of the Republic, many of the Founding Fathers did not even support a standing army, and preferred to entrust the nation’s security to the armed “Militia” – that is, the armed people. This reflected the Founders’ understanding that the real purpose of having an armed force at all was for defense of the nation – not engaging in wars throughout the globe.

Unfortunately, over the years, as ambitious corporate interests gained power and influence over our government, and our government, in turn, began intruding into the affairs of other nations with armed force, the State Militias gradually became more federalized as the “National Guard.” By 1933, all persons enlisted in a State Militia were simultaneously enlisted in the National Guard of the United States. And just as the U.S. military generally began being used to intervene in other nation’s affairs, the purpose of the National Guard itself became perverted from a purely defensive purpose to becoming a tool of the same corporate-driven quest to dominate other nations.

Up until 1952, the federal government could only order National Guard units to active duty in periods of national emergency. In that year, Congress lifted that requirement, placing the National Guard under broad federal authority – but it left in place the requirement that the governor had to consent to the mobilization. In other words, the governor of any state could veto any particular request to mobilize the Guard in that state.

In the 1980s, the Reagan administration began mobilizing the National Guard for various “training missions” in Central America. Some governors refused to consent. Congress responded by passing a new law – called the Montgomery Amendment – which eliminated the power of governors to veto any mobilization of their State Militia by the federal government “because of any objection to the location, purpose, type, or schedule of such active duty.”

I believe that this leaves governors with the power to veto any federal mobilization of the National Guard because of the illegality and immorality of the mission or assignment. And it is on that ground that I will, if elected, assert the Governor’s right to veto any mobilization of the Illinois National Guard for service in Iraq.

The National Guard, as the name implies, is supposed to be guarding the nation – not serving a deadly

and illegal fool's errand in Iraq on behalf of the gang of corporate robber barons that is now dominating our government. Unlike Rod Blagojevich, I will not consent to sending our young men and women – many of them kids who just thought they were going to earn their way to a college degree – to fight and die in the service of corporate greed, in an ill-conceived war that is making us less safe, more hated around the world and that is starving our state and local governments of funds to meet human needs at home.

I realize that under Illinois state law, whenever a part of the Illinois National Guard “is called or ordered into the active military service of the United States by the President” or the Congress, “it shall be the duty of the Governor as Commander-in-Chief to furnish such troops” [20 ILCS 1805/3.] However, as I interpret this provision, it was not intended to supersede the authority provided under federal law for a governor to withhold consent when doing so is necessary to serve the interests of the State; rather, it is intended to set forth a basic “duty” that may, in some circumstances be superseded by a greater duty.

Second, under another, even higher law – the principles of the Charter of the Nuremberg Tribunal – as a government official, I would have a responsibility not to commit or further “an act which constitutes a crime under international law.” Indeed, the Nuremberg principles state that, “The fact that a person who committed an act which constitutes a crime under international law acted as [a] responsible Government official does not relieve him of responsibility under international law.” They also state that, “Complicity in the commission of a crime against peace, a war crime, or a crime against humanity . . . is a crime under international law.”

Unlike our present governor, I will not be even a complicit or passive participant in a crime under international law. I will do everything possible to prevent the sacrifice of any more human life in the service of such a crime.