

Legal Challenge to U.S. Government's Endorsement of Genocide. California District Court "Complaint" against Biden, Austin and Blinken

The obligation to prevent genocide, the destruction of a people. This duty is enshrined in the 1948 Genocide Convention

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On November 13th in the northern district of California the Center for Constitutional Rights brought suit against U.S. President Joseph Biden, Secretary of Defense Lloyd Austin and Secretary of State Antony Blinken, to charge them with failure to prevent genocide and complicity in the genocide of Palestinians in Gaza.

The Palestinian plaintiffs ask for an injunction to stop U.S. support for the unfolding genocide. The plaintiffs are two human rights groups, Defense for Children International-Palestine (DCIP) and Al-Haq, and eight Palestinians, some in Gaza or displaced, or US citizens or in the US. By mid November over a hundred in their families have already been killed.

The evidence presented in the 86-page "Complaint" is clear and may be overwhelming.

The first claim that the U.S. has failed its duty under law to prevent the genocide of Gazans is obvious. The second claim that Biden, Blinken and Austin bear some responsibility for the genocide – whether the crime is of aiding and abetting, or of complicity in genocide, or of inciting, or of conspiring to commit genocide by supporting a clearly expressed intention of genocide may be obvious to common sense, but vulnerable to disagreement when legal terms of international law need clarification under U.S. domestic law.

The Center for Constitutional Rights, the National Lawyers Guild and Palestine Legal, have informed Congress by letter of the dangers of aiding and abetting a genocide, of possible court action against Congresspeople who support the genocide, and of a lack of statute of

limitations for the crime (Cohn, *Truthout*).

U.S. judges historically dodge attempts to apply the Convention on Genocide to U.S. officials. It's also difficult overseas ([an attempt in Spanish court to charge George W. Bush among others with genocide in Iraq](#)). The Convention on Genocide clearly applies to government officials.

An impunity evident in the Israeli government's unrelenting attempt to destroy the people of Gaza as a group, global horror at the ongoing atrocity, and the US refusal to stop the slaughter instead of supporting it may bend the court toward humanity. Also on the side of compassion is a concern for the Israeli hostages held by Hamas, and Israelis who have fought decades for peace with Palestine but become victims in a war wrenched from humanity by their government's atrocities. It's unrealistic not to expect eventual devastating repercussions, against Jews and other innocents globally.

American law is likely to be in the hands of the Honorable Donna M. Ryu (Cohn, *Truthout*) hearing the arguments of a preliminary injunction on January 11th in Oakland California. With degrees from Yale and Berkeley Law School, appointed by Obama, with 10 years on the Bench, strong on women's rights, very strong on rights for the homeless, she is Korean-American, openly lesbian, and not authoritarian.

Of civil liberties organizations bringing suit for the Palestinian plaintiffs, the Center for Constitutional Rights was founded by William Kunstler and Arthur Kinoy in the early 1960s and joined in 1998 by Edith Tiger's New York Civil Liberties Committee (from the Fifties). Kunstler (from Brooklyn), Kinoy (from NYC) and Tiger (an immigrant from Poland) became icons of ethical justice in the U.S.. Brave lawyers have worked CCR and NECLC for over half a century.

With media suppressing news of this case the CCR "[Complaint](#)" and related documents can be found at the Center for Constitutional Rights case page, "[Defense for Children International-Palestine v. Biden](#)."

The "Complaint" is also archived at *nightslantern.ca*: "[Defense for Children International-Palestine v. Biden: Complaint](#)" Nov. 13, 2013, The Center for Constitutional Rights (CCR)."

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