

Criminal Nation: Obama and Trump Both Should Be Jailed for War Crimes

“Trump thought last month’s attack on Syria had bought him immunity, or at least a respite, from the wrath of the War Party.”

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It is as if the Gambino and Genovese crime families were arguing their turf disputes in the courts and the news media. The Democrats are screaming bloody murder over President Trump’s firing of FBI director James Comey, whom Hillary Clinton still blames for her defeat at the polls and whom the bipartisan War Party has never forgiven for Comey’s earlier hesitancy to blame the Russians for the same offense.

Now that Trump has cut Comey loose — ostensibly for his handling of the Clinton emails scandal, according to [three letters](#) sent by Trump and his two top Justice Department officials — the Democrats have stepped up calls for a special prosecutor to continue the evidence-less crusade against the Kremlin.

It’s the [Saturday Night Massacre](#) all over again, cry the Democrats, harkening back to the weekend in 1973 when President Nixon fired Watergate special prosecutor Archibald Cox. But this is not about the rule of law — quite the opposite: it’s about continuing the momentum of the U.S. military offensive begun in 2011 under President Obama, a wholly illegal aggression that has destroyed Libya, killed half a million Syrians, delivered vast regions to the control of the two feuding factions of al-Qaida, and brought the world closer to nuclear annihilation than at any time since the Cuban missile crisis.

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The War Party is determined to make the offensive permanent, to keep up the pressure on the ultimate targets, Russia and China, until they break or capitulate to U.S. domination of the world. The current, rabid anti-Russian hysteria adds another layer of fake news on top of the wholly fictional U.S. “War on Terror” scenario. But these mega-lies can no longer mask

the great obscenity of the 21st century: that the U.S. is allied with al-Qaida, whose jihadists act as imperialism's foot soldiers in the Middle East.

Donald Trump thought last month's attack on Syria had bought him immunity, or at least a respite, from the wrath of the War Party, which was determined to burn him at the political stake — not for his raging racism and hostility to civil liberties, but for his previously stated opposition to “regime change” and never-ending tensions with Russia. Trump's 59-missile salvo against a Syrian airbase was supposed to wipe the slate clean and forgive his heresies against the extralegal rights of the “exceptional” U.S. empire. But apparently, there is no statute of limitations on even the suggestion of peaceful coexistence with targeted states.

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And now, in an almost laughable legalistic perversion, a group of lawyers from the Obama White House, of all places, is suing the Trump administration for failing to provide sufficient legal rationale for last month's Tomahawk hit on Syria. The lawyers at [United to Protect Democracy](#) claim their insider knowledge of “how the federal government works” gives them unique insights on “implementing and enforcing the norms that have constrained presidential power for decades” – although they never constrained Obama from his own lurch towards apocalypse, in 2011. Indeed, these legal hit-men for empire acknowledge as much, admitting (or bragging?) that “we defended past presidents against legitimate oversight and illegitimate attacks.” The self-styled “watchdog” group does not list its board or members on its website, but their admission implicates them in Obama's legal defense of his regime change assault on Libya. The [U.S.-NATO bombing campaign](#), which killed an estimated 50,000 people, destroyed the country's infrastructure, resulted in the murder of its chief of state, empowered jihadist militias, and unleashed a torrent of arms across Africa and the Middle East, nevertheless did not violate the War Powers Act because

“U.S. operations do not involve sustained fighting or active exchanges of fire with hostile forces, nor do they involve U.S. ground troops,” wrote Obama's lawyers.

When challenged by Congress, Obama maintained that the war on Libya was not a war at all, because no Americans were killed.

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Like synchronized dancers, the U.S. and its allies pivoted immediately to Syria, where they attempted to use much the same formula — jihadists + arms + financing + CIA training + political protection at the UN — to overthrow the Bashar al-Assad government. This “proxy war,” which involved U.S. military and intelligence personnel on the ground from the very start, was never a secret and was always a clear violation of the United Nations Charter, which the U.S. is legally obligated to uphold. Nations are forbidden to use force against other nations except in self-defense or with the authorization of the UN Security Council. Unlike in Libya, the U.S. did not have the fig leaf of enforcing a UN-authorized “no-fly zone” in Syria. Yet, there was hardly a peep from any but a handful of Democrats, and therefore no need for Obama’s in-house lawyers to defend their Chief against charges of aggressive war, the most serious of international crimes.

In 2013, after Syria was falsely blamed for a chemical attack on civilians, Obama threatened to directly bomb Syrian forces. His lawyers were prepared to argue that an attack on Syria could be justified – like Bill Clinton’s bombing of Kosovo in 1999 – on vague grounds of eliminating a threat to peace. But of course, the greatest threat to peace is aggressive war, of which the United States was already — and chronically — guilty. In the end, Obama decided to ask Congress for authorization to bomb, and then changed his mind when the Russians offered to broker destruction of Syria’s chemical weapons stockpiles. But, like all U.S. presidents, and with no grounds under international law, Obama insisted that Commanders-in-Chief have the right to bomb other countries to defend U.S. “national security” based on their own judgment — another legal nonsensicality.

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So, the legal mercenaries of [United to Protect Democracy](#), veterans of Obama’s 2011 military offensive, have no problem with violating international law. Their beef with Trump appears to be that he did not provide sufficient legal *rationale* for his bombing Syria – which is different than actually obeying international law. Trump’s people issued what are described as “talking points” to explain his actions against Syria. But former White House lawyer Justin Florence, the group’s legal director, [wrote](#) that this is not enough:

“The U.S. government must publicly articulate its legal theory in order to uphold the international legal framework we have relied on for so many years as a constraint on other states.”



The UN Charter is clear on what constitutes aggression. Trump is an aggressor. So were Obama, and Bush (the UN Secretary General said so), and so was Clinton. Since the U.S. is a superpower and a permanent member of the UN Security Council, the UN will never authorize the international community to punish the U.S. for its crimes. But, that does not absolve the U.S. of criminality — and humanity’s collective memory and conscience will never forgive the United States for the crushing of nations and the death of millions. The Democratic Party hacks with law degrees at United to Protect Democracy are concerned, not about peace, but that U.S. presidents go through the motions of rationalizing their imperial crimes. Say *something* that sounds good, they urge. Convince the American public that it’s OK for the U.S. to claim life and death powers over the rest of humanity. Make an *effort*, why don’t ya?

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These “watchdogs”’ real problem with Trump is that he has not bothered to commission creative lawyers like themselves to provide lofty wordage to justify the indefensible. He has not taken care to skillfully *market* U.S. imperial aggression to its home population. This may not be impeachable, but it is embarrassing and unbefitting of an “exceptional” empire.

Ajamu Baraka, the 2016 Green Party vice presidential candidate and an editor and columnist at Black Agenda Report, [wrote](#) in this issue of BAR:

“The absence of any real opposition to the reckless use of U.S. military force — the attack on Syria, the macho demonstration bombing in Afghanistan, the provocations toward North Korea — exposed once again the unanimity among the U.S. ruling class and the state on the use of military force as the main strategy to enforce its global interests.”

The American public does not think of itself as bloodthirsty, but it has a huge tolerance for the spilling of other people’s blood. Americans also have a peculiar sense of entitlement.

“Imperial privilege is this strange ability on the part of the U.S. public to ‘shrug off’ the consequences experienced by people impacted by the direct and indirect result of U.S. militarism,” Baraka writes.

Obama's former lawyers at United to Protect Democracy understand that Americans demand only that politicians use pretty words to justify the barbarities committed in their name. If you stick with the formula, the template, and make Americans feel exceptional, then you can bomb the hell out of the rest of the world, at will.

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