

NLG RESOLUTION ON THE CURRENT CRISIS

1. The National Lawyers Guild condemns the September 11th attacks on the World Trade Center and the Pentagon. Those responsible have committed crimes against humanity and must be brought to justice. We express our solidarity with the victims and their families, and join with the world community in stating that nothing can justify such acts of barbarism against a civilian population.
2. However, we must work to change the political and economic policies and practices of the U.S. government and U.S.-based global corporations, which contribute to the conditions that create, according to Jerrold Post, a psychological profiler at the CIA for 21 years, the “roiling hatred within the Arab world directed at the United States.”
3. The National Lawyers Guild demands that the illegal bombings of Afghanistan by the United States and the United Kingdom, which began on October 7th, stop immediately. These bombings violate United States law, set forth in the United Nations Charter, a treaty ratified by the U.S. and therefore part of the supreme law of the land under the U.S. Constitution. (Art. 6, par. 2)
4. The United States has gone to the Security Council twice since the September 11th attack. The Security Council passed two resolutions (S.C. Res. 1368 and 1373), ordering the freezing of assets, the sharing of information, the criminalizing of terrorist activity, the prevention of the commission of and support for terrorist attacks (art. 41), and urging the ratification and enforcement of the international conventions against terrorism (which the U.S. has not ratified). Although the United States has reported its bombing to the Security Council as required by the U.N. Charter (art. 51), the Security Council has not authorized and could not authorize the use of military force by the United States, the United Kingdom, or NATO, which is not a U.N. body.
5. The U.N. Charter provides:
 - a) No nation can use military force except in self-defense. (Art. 51)
 - b) The Security Council, made up of representatives from 15 countries from each region of the world (art. 23, sec. 1), is the only body that can authorize the use of force. (Chap. VII; art. 24)
 - c) Only the Security Council can decide what action can be taken to maintain or restore international peace and security. (Art. 39)
6. The Security Council has a series of duties and options required under the U.N. Charter:
 - a) It can suggest that the United States sue Afghanistan in the International Court of Justice (World Court), for harboring Osama bin Laden and others, if the evidence supports their involvement in these attacks, and seek their immediate arrests (art. 36, sec. 3);
 - b) It can order interruption of economic relations, rail, sea, air, postal, telegraphic, radio communications and the severance of diplomatic relations (art. 41);
 - c) It can establish an international tribunal to try those suspected of perpetrating the September 11th attack;
 - d) It can establish a U.N. force to make arrests, prevent attacks or counter aggression (art. 42); and
 - e) As a last resort, it can authorize the application of armed force with the Military Staff Committee (art. 46).

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7. While we recognize there are limitations to the U.N.'s ability to maintain international peace and security, it is the existing international system, and the U.N. Charter must be complied with.

8. The universal desire is to feel safe and secure. The only path to safety and security is through international law, not vengeance and retaliation.

9. The National Lawyers Guild and its members call on the United States public to demand that George W. Bush and the U.S. Congress obey the law as follows:

- a) Immediately stop the bombing of Afghanistan and Iraq, remove all ground forces, and refrain from illegally bombing or invading any other country;
- b) Contribute money and people power to the U.N. peacekeeping forces, as required under articles 43-45 of the U.N. Charter;
- c) Refuse to eviscerate the U.S. Bill of Rights, in the name of national security, and not repeat the actions of the U.S. government when it interned Japanese-Americans during World War II, and targeted suspected communists during the McCarthy era;
- d) Refuse to allow the racial profiling, and INS and FBI intimidation, of Arabs, Muslims and Southern Asians (U.S. Const., amend. I, IV, V, VI, VIII, XIV); and
- e) Submit this matter to appropriate international bodies, including the United Nations and the World Court.

10. The National Lawyers Guild, its local chapters and members, shall commit themselves to actively respond to the imminent assault on civil rights and liberties, by working to defeat all legislative, judicial and police deprivation of rights, in the wake of the events of September 11.

11. The National Lawyers Guild reaffirms our commitment to our guiding principle, that *human rights shall be regarded as more sacred than property interests*, by continuing to support the struggles of poor and working people for freedom, justice, education, health care, social security, job security, and a safe environment. We encourage all Guild members to participate in community teach-ins on the mandates of the U.N. Charter, and on the right to conscientious objection to participation in war, to represent those seeking peaceful alternatives to war, and to help our nation envision a 21st Century free from the violence and retributive approaches of the past.

Implementation by the International Committee, the National Immigration Project, the Civil Liberties Committee, the Police Accountability Project, the Military Law Task Force, the Emergency Response Committee, the Law Professors Caucus, the law student chapters, and the National Executive Committee.