

**REPORT OF THE
MERCHANTS OF DEATH WAR CRIMES TRIBUNAL**



*People of the World v.
Lockheed Martin,
Boeing,
RTX/Raytheon,
General Atomics, et al.*

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EXECUTIVE SUMMARY

Purpose of the Tribunal

On October 7, 2001, in the wake of 9/11, the U.S. invaded Afghanistan, beginning a devastating series of global military actions, invasions and occupations unprecedented in U.S. history. This has extended over more than 20 years with no end in sight.

To do this, the U.S. has freely ignored international laws, including its own laws, created to prevent the vast killing, physical suffering, terrorization and property destruction that has been caused by the U.S., directly, and indirectly, through the arming of proxy militaries.

The Merchants of Death War Crimes Tribunal (“Tribunal” or “MDWCT”) is a People’s Tribunal organized under long-standing principles empowering the citizenry to act when a government or courts fail to properly investigate, and when given evidence of crimes.

The purpose of the Merchants of Death War Crimes Tribunal, based on principles established by the Nuremberg trials, is to examine whether U.S. weapons manufacturers, particularly Tribunal defendants Lockheed Martin, Boeing, RTX/Raytheon, and General Atomics (collectively “defendants”), have aided and abetted the U.S. government in the commission of international crimes in various countries around the world since the terrorist attack of 9/11. Specifically, the Tribunal examines the defendant corporations’ culpability in committing specific international crimes, as defined under the Rome Statute, the Geneva Conventions, and other international human rights and humanitarian laws, including, but not limited to, war crimes, genocide, and crimes against humanity, by knowingly producing and promoting weapons that led to the killing of innocent civilians across the globe.

These weapons — which have been used with abandon by the U.S. military against largely defenseless poor people of color and which have been especially devastating to those dwelling in cities, towns and villages — have been directly responsible for killing at least 2.5 million of our fellow human beings and the maiming, traumatization and pauperization of millions more, as documented by the Tribunal and evidenced by the report herein.

In addition to these atrocities, the Costs of War Project estimates that the U.S.’ so-called “war on terror” has led to the displacement of at least 3.8 million people, many of whom fled for their lives as fighting consumed their worlds. Forcible displacement has caused a vast migration from war zones into nations that are not prepared materially or politically to support newcomers. This leads to intensified repression globally along with widespread political and military conflict.

Presentation of Evidence

Evidence was presented to this Tribunal over an 8 month period, beginning on November 12, 2023, and concluding on July 31, 2024. The evidence presented showcased the commission of

crimes by the four defendants in six major countries since 9/11, namely Afghanistan, Iraq, Syria, Somalia, the Occupied Palestinian Territories, and Yemen.

The Tribunal, presided over by 11 jurors, commenced virtually, for the benefit of the public at large, providing evidence in the form of 36 video episodes. These episodes contain facts and commentary by victims of war, retired military officers, military analysts, award-winning journalists, doctors, and international lawyers.

The witnesses presented convincing and compelling evidence, all of which proved with high certainty the guilt of the defendants in aiding and abetting the U.S. government in the commission of international war crimes, crimes against humanity, and genocide, among other uninvestigated domestic crimes.

This Tribunal examined evidence that these four defendants intentionally and for profit created an atmosphere in mainstream media, the halls of Congress, and the various branches of the U.S. government, such that military armed attacks on these investigated countries appeared to be the only solution for resolving disputes. Evidence shows that the defendants commenced such efforts through lobbying, funding “think tanks,” funding academic institutions, and placing their representatives in government positions, all of which was done for financial gains at the defendants’ respective companies.

This Tribunal was also presented with evidence of the historic background of the defendants of using the U.S. military to further their corporate interests across the globe. The evidence included original U.S. Senate hearings conducted by Senator Gerald Nye in the 1930s that examined whether U.S. business interests had led the United States into World War I to increase corporate profits.

The evidence presented indicates a long-standing influence of U.S. corporations within the United States’ foreign policy and defense apparatus. This influence has often resulted in the use of U.S. troops to intervene in foreign countries for the advancement of corporate interests.

Detailed evidence was also presented concerning the funding of “think tanks” by these defendants for the purpose of manipulating a pro-war narrative in the mainstream media and in the U.S. Congress. Relatedly, detailed evidence was presented establishing the fact that the defendants intentionally hired and placed their representatives within mainstream media, the Pentagon, lobbying firms, academic institutions, and “think tanks” for the purpose of creating a pro-war narrative which would result in the U.S. government purchasing large amounts of weapons from these defendants.

The abovementioned actions by the defendants have resulted in the loss to U.S taxpayers of some \$8 trillion¹ since the Wars on Terror began on September 11, 2001, a loss that was transferred into huge wealth in the bank accounts of the defendants.

¹ Kimball, J. (2021, September 1). *Costs of the 20-year war on terror: \$8 trillion and 900,000 deaths*. Brown University.

<https://www.brown.edu/news/2021-09-01/costsofwar#:~:text=A%20report%20from%20the%20Costs,killed%20more%20than%20900%2C000%20people.>

Defendants' Refusal to Respond to Requests for Evidence

The Tribunal staff directly provided the defendants with the opportunity to be heard by delivering “subpoenas”² to their offices that sought information in relation to the investigated allegations, such as the numbers and types of weapons they produce and the profitability of various weapons. Specifically, one of the subpoena’s requests offered the defendants’ corporate managers the opportunity to defend their conduct, by asking for:

Documents since September 11, 2001, explaining how in good conscience the corporation leadership continues to make and sell weapons domestically and internationally in the face of ample documentation of the massive human death and suffering caused by these weapons and the evidence that these weapons, used individually and in concert with other weapons, are dramatically contributing to the accelerating destruction of historic global weather conditions and patterns that threaten all life on earth.

The Tribunal staff received no responses to any of the issued subpoenas, including none from Andy Lee, a Boeing communications officer, who personally accepted a subpoena from a Tribunal staff member on November 10, 2022 at the Boeing headquarters in Arlington, Virginia. Ninety days after the delivery of the subpoenas, and upon the defendants’ failure to comply, Citations of Contempt were delivered to the corporate offices of each of the defendants.³

Members of Congress Fail to Respond to Lobbying Survey

In addition, the Tribunal staff sent questionnaires⁴ by registered mail to the 150 members of Congress who have the most control over U.S. military spending and policy. The questionnaire sought information about the lobbying activities of the four defendants and their level of influence on U.S. military and foreign policy. The Tribunal received no responses to these questionnaires, in spite of repeated follow-up calls to the staff of some of the most prominent politicians in control of military spending and policy: U.S. Senators Jack Reed, Elizabeth Warren and Susan Collins, and House members Mike Rogers, Mike Turner and Chrissy Houlahan.

CEO Responsibility

The Tribunal evidence shows that without the aircraft, bombs, missiles, and rockets produced by the defendants, the stunning, and continuing, array of illegal post-9/11 U.S. invasions, occupations, military interventions and drone attacks in which U.S. war atrocities were committed would not have been possible.

² The Tribunal subpoena appears in Appendix #2.

³ A copy of the citation is attached to the report at Appendix #3.

⁴ The lobbying survey appears in Appendix #4.

Managers of the defendants provided these weapons with full knowledge of their end use, ultimate destinations, and highly probable disastrous consequences on civilians. Further, the defendants had ample evidence and prior knowledge that their targeting equipment, weaponry and aircrafts were technologically incapable of meeting standards of distinction essential to meet the requirement of international law to protect civilians.

The tribunal has documented how, in spite of the knowledge of the harm their products were causing, the defendants' corporate leaders actively and aggressively promoted the use of their products through campaign contributions to U.S. presidents and members of Congress, the funding of "think tanks," promoting militarism and war, and hiring former military personnel to advantage the corporations in winning government contracts domestically and internationally, among other actions.

Listed below are the 16 former and current chief executive officers (CEOs) of the defendants Lockheed Martin, Boeing, RTX/Raytheon and General Atomics, who have been charged by this Tribunal with aiding and abetting war crimes, genocide, and crimes against humanity in violation of Human Rights Law (HRL) and International Humanitarian Law (IHL) during the time period from the October 7, 2001 U.S.-led invasion of Afghanistan, through the present day.

1. Lockheed Martin

- Vance D. Coffman 1997 – 2004
- Robert J. Stevens 2004 – 2012
- Marilyn Hewson 2013 – 2020
- James D. Taiclet 2021 – present

2. Boeing

- Philip M. Condit 1996 – 2003
- Harry Stonecipher 2003 – 2005
- James McNerney 2005 – 2015
- Dennis Muilenberg 2015 – 2019
- David Calhoun 2020 – 2024
- Robert Ortberg 2024 – present

3. RTX/Raytheon

- Daniel P. Burnham 1998 – 2004
- William H. Swanson 2004 – 2014
- Thomas Kennedy 2014 – 2020
- Gregory Hayes 2020 – 2024
- Christopher Calio 2024 – present

4. General Atomics

- Neal Blue 1986 – present

The abovelisted CEOs could be prosecuted outside the U.S. under the well-established doctrine of universal jurisdiction. A Human Rights Watch paper titled “The Pinochet Precedent– How Victims Can Pursue Human Rights Criminals Abroad”⁵ explains: “[t]his is the principle that every state has an interest in bringing to justice the perpetrators of particular crimes of international concern, no matter where the crime was committed, and regardless of the nationality of the perpetrators or their victims.”

In light of this well-established doctrine of universal jurisdiction under international law, the Tribunal hereby affirms the responsibility of the above-identified CEOs regardless of their current physical presence inside or outside the U.S., as discussed in further details below.

We, the Jurors of this Tribunal, find the defendants and their CEOs guilty of aiding and abetting the violation of the following international laws and standards of conduct:

- 1. The Rome Statute; Crimes Against Humanity:** Crimes against humanity are defined by the Rome Statute of the International Criminal Court (ICC) as “[a]cts committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack,” including murder, deportation, torture, rape and other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

The evidence presented to the jurors of this Tribunal demonstrates that the executives of the four defendants aided and abetted the U.S. government in the commission of crimes

⁵ Based on the doctrine of universal jurisdiction, lawyers representing victims of atrocities committed by Chilean General Augusto Pinochet, who were unable to achieve prosecution of Pinochet in Chile, were successful in persuading a Spanish prosecutor to bring charges against him. In 1998, when Pinochet visited London, he was arrested there by order of a Spanish judge overseeing his case. He was held under house arrest in London for a year and a half until he was returned to Chile when it was determined that, although he could legally be extradited to Spain for trial, he was too weak mentally to go to trial.

against humanity by producing, providing, and promoting weapons that they knew were being used against civilian populations in Afghanistan, Iraq, Somalia, Syria, Yemen, and the occupied Palestinian territories.

The savagery of the attacks on Baghdad, Mosul, Fallujah, Raqqa, Gaza, and Yemen were carried out by the U.S. government using weapons manufactured by the defendants, as demonstrated by the testimony and evidence presented before this Tribunal. In each instance, large numbers of civilians were injured and killed by the products of the four defendants. In each instance, civilian infrastructure was targeted and destroyed using products manufactured by the defendants. In each instance, this information was well known to the public at large as well as to the executives of the four defendants.

The evidence presented to the jurors details the specific weaponry used in these attacks and its connection to the four defendants as the manufacturers of those weapons. The defendants nevertheless continue to promote their products for use, with full knowledge of their widespread, deadly effects against defenseless civilian populations, thereby generating enormous profits for their corporations.

- 2. The Rome Statute; War Crimes:** War crimes under the Rome Statute include willful killing; torture or inhuman treatment; willfully causing great suffering or serious injury to body or health; extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly; intentionally directing attacks against civilians or civilian objects; and intentionally directing attacks against personnel, installations, material, units or vehicles involved in humanitarian assistance to the civilian population. War crimes, unlike crimes against humanity, are always committed during an armed conflict.

This Tribunal presented extensive evidence to the jurors demonstrating that the CEOs of the four defendants aided and abetted the U.S. government in the willful killing of innocent civilians, the infliction of great bodily injury of civilians, and the attacks on humanitarian facilities. Specifically, those unlawful acts were enumerated in the episodes detailing the U.S. military's use of weaponry that was produced by the four defendants in the war zones of Yemen, Syria, Occupied Palestinian Territories, Afghanistan, Somalia, and Iraq.

The products produced by the defendants and used to carry out these war crimes included Hellfire missiles, Paveway bombs, and F-35 aircraft. The evidence indicates that the executives of the four defendants knew their products were being used in this unlawful manner and nevertheless continued to produce and sell them to the U.S. government. The defendants also actively promoted their use through lobbying the U.S. Congress and by placing their spokespersons in mainstream media, thereby creating a narrative for the public that made the military option seem as if it was the only option. This was done to generate increased profits for the CEOs of the four defendants.

- 3. The Rome Statute and the Convention on the Prevention and Punishment of the Crime of Genocide of 1948 (“the Genocide Convention”); Genocide:** Genocide is

defined by the Rome Statute and the Genocide Convention as acts committed “with intent to destroy, in whole or in part, a national, ethnic, racial, or religious group,” including killing members of the group, inflicting serious bodily or mental harm on members of the group, or deliberately inflicting conditions of life calculated to bring about the group’s physical destruction in whole or in part.

This Tribunal presented evidence indicating that the top executives of the four defendants aided and abetted the U.S. government in the commission of genocide by supplying products that were knowingly being used against a national, ethnic, or religious group with the intent to destroy that group.

These actions were most apparent in the evidence presented on Gaza which detailed not only Operation Cast Lead, but also the recent slaughter of Palestinians following Hamas’s attacks of October 7, 2023, and the destruction of Gaza’s infrastructure by Israeli Armed Forces (IAF) using U.S. weapons manufactured by the four defendants.

U.S. military veteran, war analyst, and U.S. war industry expert Christian Sorenson testified in detail as to the weapons currently used in the Occupied Palestinian Territories and their connection to the four defendants. These weapons were deployed against the Palestinian people with the intent to destroy the Palestinian people. The executives of the four defendants have been aware of this fact and nevertheless continued to produce, provide, and promote the use of their products to the U.S. military with the end goal of generating more profits for their corporations.

4. The Geneva Conventions and the Hague Conventions (II) of 1899 and the Hague Convention (IV) of 1907; the principles of distinction and proportionality:

International Humanitarian Law (IHL) is a body of laws and rules that attempts to limit civilian death, injury and suffering. The wide range of restraints against harm to civilians in IHL is particularly appropriate to limiting harm from aerial bombardment.

One of the most basic principles of IHL is *distinction*. This means attackers must make a concerted effort to ensure that when targeting, they are distinguishing between civilians and combatants and between military targets and non-military targets, particularly life-supporting infrastructure such as hospitals, water treatment facilities, electrical grids, food sources and homes, and religious institutions and cultural centers.

However, the U.S. shift to using aircraft bombardment to conduct what the International Red Cross describes as “zero-casualty” wars⁶ has dramatically increased the killing, maiming and terrorization of civilians. That is because the farther the attacker is from the so-called “enemy,” the more difficult it becomes to distinguish between civilians and combatants. Indeed, in many of the aerial bombings that this Tribunal has documented, it was impossible for attackers to distinguish between civilians and combatants. This shift to “zero-casualty” war has been possible because these wars have been conducted by the

⁶ Rogers, A.P.V. (2000) Zero-casualty warfare. *International Review of the Red Cross*, 82(837), 165-181.

U.S. against ground forces in poor nations that have meager, if any, defenses against aerial bombardment.

A second important IHL principle for protecting civilians is *proportionality*. This means attackers must, to the maximum extent possible, use the minimum amount of destructive power needed to achieve a military goal, as when selecting bombs. As Doctors Without Borders notes: “[w]ith the urbanization of war, the destruction of civilian objects as a result of armed conflict has been on the rise. Systematic, or widespread bombardment of housing, civilian objects and infrastructure are strictly prohibited by IHL, international criminal law and human rights law.”

Doctors Without Borders points out that indiscriminate bombing can lead to such crimes against humanity because “widespread or systematic destruction of civilian objects (including housing) can also trigger the crimes of deportation or forcible transfer of populations (art. 7(2)(d) of the Rome Statute) if it is demonstrated that one or more acts that the perpetrator has performed produced the effect to deport or forcibly transfer the victim.”⁷ Furthermore, the intentional and severe deprivation of the fundamental right to housing in violation of international law through the forced displacement (or transfer) of a population, can also satisfy the criteria for the commission of the crime against humanity of persecution defined in article 7(2)(g) of the Rome Statute.

They conclude,

IHL recalls the obligations of parties to a conflict acting as a detaining power. They must ensure that persons in their custody are protected from the effects of hostilities. For example, camps for prisoners of war and places of internment must have shelters against aerial bombardment and other hazards of war (GCIII, art. 23; GCIV, arts. 84 and 88 and CIHL, rule 121). The Rome Statute ... reaffirms that such attacks constitute war crimes when committed in international or non-international armed conflicts.

Verdict

The jurors of this Tribunal conclude that the aforementioned current and former executives of the four defendants aided and abetted war crimes, genocide, and crimes against humanity, as well as other IHL principles, with large scale sales of their weapons, generating enormous profits for their companies.

The jurors of this Tribunal conclude that the defendants’ executives are guilty of aiding and abetting the U.S., Israeli and Saudi Arabian governments in the commission of war crimes, crimes against humanity, and genocide as outlined in the Rome Statute of the ICC, as well as in their violations of IHL.

⁷ *Prosecutor v. William Samoei Ruto, Henry Kiprono Kosgey and Joshua Arap Sang* (Decision on Confirmation of Charges) ICC-01/09-01/11 (23 January 2012)

This Tribunal further concludes that the defendants are guilty of violating numerous domestic U.S. laws, as detailed in the following report.

Lastly, this Tribunal makes numerous recommendations to repair, reform, and restructure U.S. foreign policy and eliminate the corporate takeover of U.S. foreign policy and its warmaking power.

TRIBUNAL RECOMMENDATIONS

The Tribunal jurors and staff make the following recommendations for action by the public and by public officials. The Tribunal jurors and staff understand that most of these recommendations are not immediately achievable. At the same time they feel the responsibility to put forward goals that they believe can end profit-making from war and create conditions in which war is no longer a choice for resolving disputes.

1. Domestic and/or international prosecution of the CEOs and boards of directors of Lockheed Martin, Boeing, RTX/Raytheon and General Atomics for their culpability in the crimes outlined above from October 7, 2001 to the present.

The Tribunal is well aware of the huge gap between law and justice. Justice cries out for civil and criminal accountability for the actions and inactions of the corporations described above, as well as civil and criminal accountability for the CEOs and members of the boards of directors of these corporations. Legal experts have helped us identify six sources of law which ideally would be useful in holding these corporations and their leaders accountable. The conservative court system in the U.S. has interpreted the majority of these narrowly in order to frustrate corporate accountability. We do not underestimate the effort, creativity and determination necessary to use these laws in ways to further accountability. We support those who are already working on this and urge prosecutors, national and international human rights organizations, private attorneys and law students around the world to launch additional legal actions against the aforementioned corporate officials, utilizing, but not remaining limited to, the following:

- The Convention on the Prevention and Punishment of the Crime of Genocide.
- The Principle of Universal Jurisdiction.
- Alien Tort Statute and Torture Protection Act.
- Arms Trade Treaty.
- The Leahy Law and related U.S. Laws.
- U.S. War Crimes Act of 1996.

The Tribunal recommends further that, to empower prosecution of the defendant corporations and their officials, the U.S. declassify all official documents related to the involvement of the defendant corporations' officials and the weapons they produced in overt and covert military and intelligence operations since September 11, 2001. These documents must include reports of weapons features and shortcomings related to levels of risk to civilians as well as military personnel.

See Appendix 5 for a discussion of the application of these legal avenues for the recommended prosecutions.

2. Divestment from all stock holdings in Lockheed Martin, Boeing and RTX/Raytheon due to their active participation in criminal conspiracies with the U.S. government and other governments that have resulted in the violations of international and domestic law referenced above. General Atomics is a privately owned company that does not sell stock. Therefore, the Tribunal recommends divestment and cutting of individual and institutional financial ties with any firm investing in or doing business with General Atomics because of its involvement in the aforementioned criminal conspiracies.

Further, the Tribunal recommends that individual investors, college and university endowment fund managers, pension fund managers and other institutional investors rid their portfolios of stock of all firms making weapons and providing services enabling the use of weapons.

The Tribunal also recommends prohibition of the trading of stock of any firm making weapons or providing services enabling the use of weapons. Members of the U.S. Congress must be prohibited from owning stock in such firms prior to the creation of the recommended stock trading prohibition.

3. Prohibit any member of Congress, member of the federal government and member of the military from accepting any employment, compensation, or having any other relationship with any corporation manufacturing, servicing or selling weapons for at least 5 years after they leave the government.

4. Create an agency within the U.S. Department of State tasked with assessing the dollar amount of damages inflicted upon civilians as a result of the crimes outlined above, and with providing the necessary and appropriate reparations to individuals and communities that have been injured by U.S. military actions since 9/11. An appeals board would be established within this agency, comprised of international representatives of non-governmental human rights organizations, to adjudicate disagreements arising from State Department reparations decisions.

Money for these reparations would be included in the State Department budget and be additionally generated by:

a. Requiring firms with Pentagon contracts dated October 7, 2001 onward to transfer to the reparations agency funds equivalent to the amount of their profits for that period.

b. Creating a surcharge, to be determined, on the annual revenue of all U.S. firms doing business in nations that have been subject to overt and covert military and paramilitary actions, retroactive to October 7, 2001.

5. Create a surcharge on revenue of all U.S. firms doing business overseas, to accelerate paying off the U.S. debt that has been generated with the goal of supporting all U.S. military presence and action since October 7, 2021, which has directly and indirectly supported the overseas business of these firms.

6. Create a Cabinet-level post to oversee conversion of weapons production to production to support health and well-being, including the creation of products to respond to the climate catastrophe.
7. Terminate all U.S. commercial weapons exports and: all so-called military aid, including servicing of military equipment; all covert military support of any kind to any overseas government; all military and all U.S. military action and paramilitary action in support of any foreign military or paramilitary forces.
8. Require that all U.S. weapons production, military training and military action of any kind be financed solely through highly progressive taxes that place the primary burden on those with the most extreme wealth; weapons production and military action may no longer be financed through borrowing.
9. Closure of all U.S. overseas military bases and the return of all U.S. naval vessels to U.S. territorial waters.
10. Immediate dismantling of U.S. nuclear weapons.
11. Public funding of all campaigns for federal office, thereby eliminating the bribery inherent in the gathering of campaign contributions from weapons makers or any other special interests.
12. Initiate negotiations to ban aerial warfare, including aerial bombing, missile, rocket and drone attacks and the use of energy, satellite and space weapons.
13. Initiate action to achieve approval by the U.N. General Assembly of an international ban on installing weapons of any kind on drones.

Access to Evidence, Juror Comments and Study Guide

Tribunal evidence is provided in the aforementioned 36 video evidentiary episodes and in narratives that are part of the full report, which summarize chosen video episodes.

The 36 video-recorded Tribunal evidentiary episodes are available to the public at <https://rumble.com/user/merchantsofdeath>, as are comments by the Tribunal jurors and rapporteurs. This information is also available in memory stick format at <https://merchantsofdeath.org/>.

A Tribunal Study Guide is available on-line and on memory stick at the above addresses.

REPORT OF THE MERCHANTS OF DEATH WAR CRIMES TRIBUNAL

INTRODUCTION

The senseless slaughter of World War I began with the murder of a single man, a Crown Prince of a European empire whose name no one was particularly familiar with at the time, by a young Bosnian Serb student. Archduke Franz Ferdinand Carl Ludwig Joseph Maria was the presumptive heir to the Austro-Hungarian empire in June 1914.

The murder of the Crown Prince set off a cataclysmic series of events resulting in the deaths of over 20 million people, half of whom were civilians. An additional 20 million people were wounded.

An entire generation of young men from England, France, Russia, Austria, and Germany was lost. National economies were ruined. In economic terms, World War I caused the greatest global depression of the 20th century. Debts by all the major countries, except of course the U.S., haunted the postwar economic world. Unemployment soared. Inflation increased, most dramatically in Germany where hyperinflation raised the price of a loaf of bread to 428 billion marks.

World War I ended a time of economic prosperity. Two decades of international economic insecurity and suffering followed. It is thought that veterans returning home from World War I brought with them the Spanish Flu, which killed almost one million Americans. The war also laid the groundwork for World War II.

Was it simply the murder of the Crown Prince that caused a World War or were other factors at work? Why did the United States get involved in a foreign conflict, particularly when an overwhelming number of Americans were against their country's involvement?

Despite the major opposition by the American people to the war, Congress voted overwhelmingly in favor of it: 373 to 50 in the House of Representatives, 82 to 6 in the Senate. The politicians defied the wishes of the people they were supposed to represent. What happened? Was something else driving their votes?

JP Morgan and Company was one of the largest investment banking firms in the world. JP Morgan himself was the official purchasing agent in the United States for the British government. Similarly, E.I. du Pont Company was the largest chemical firm in America. These two phenomenally wealthy and powerful companies, along with other U.S. manufacturers, including U.S. weapons manufacturers, were closely aligned with President Woodrow Wilson.

Wilson had served on the board of the Mutual Life Insurance Company, a subsidiary of JP Morgan. When World War I began, JP Morgan had given extensive loans to Europe which would be lost if the allies were defeated. Du Pont and other U.S. weapons manufacturers stood to make astronomical profits if the United States entered the war. As J.P. Morgan wrote to Wilson in

1914, “The war should be a tremendous opportunity for America.” In business terms, there were significant profit motives driving U.S. involvement in World War I.

When the war concluded and the dead and wounded were counted, suspicions grew in the United States that nefarious business interests had propelled the U.S.’ involvement into the great slaughter. Investigative reporting and congressional hearings were initiated.

In 1934 a book written by Helmuth Engelbrecht called *The Merchants of Death* became a bestseller. The book exposed the unethical business practices of weapons manufacturers and analyzed their enormous profits during World War I. The author concluded that “the rise and development of the arms merchants reveals them as a growing menace to World Peace.” The Merchants of Death had lobbied both Congress and the president for war.

The American public was outraged. The year of 1934 saw over 94,000 American farmers sign a petition opposing increased armament production. Over 50,000 veterans paraded through Washington DC in April 1935 in a march for peace. And Marine Major General Smedley Butler, two-time Medal of Honor winner, published his book *War is a Racket*, claiming he had been “a high-class muscle man for big business, for Wall Street and the bankers. In short, I was a racketeer; a gangster for capitalism.” His book too became a bestseller.

The growing wave of public outrage led Senator Gerald Nye to initiate congressional hearings investigating whether U.S. corporations, including weapons manufacturers, had led the United States into World War I. In two years, the Nye committee held 93 hearings and called more than 200 witnesses to testify, including JP Morgan, Pierre S. DuPont and his brothers, and former Senate Majority Leader James E. Watson.

The committee conducted an extensive investigation into the records of weapons manufacturers. They uncovered criminal and unethical actions including bribery of foreign officials, lobbying the United States government to obtain foreign sales, selling weapons to both sides of international disputes, and the covert undermining of disarmament conferences.

“The committee listened daily to men striving to defend acts which found them nothing more than international racketeers, bent upon gaining profit through a game of arming the world to fight itself,” Senator Nye declared in an October 1934 radio address.

To protect the United States and the world from businesses having a free hand in promoting war, the Senate Committee recommended price controls, the transfer of Navy shipyards out of private hands, and increased industrial taxes. Senator Nye suggested that upon a declaration of war by Congress, taxes on annual incomes under \$10,000 should automatically be doubled, and higher incomes should be taxed at 98%. “Do that and then observe the number of jingoists diminish,” *The Nation* magazine said. “If such policies were enacted, businessmen would become our leading pacifists.”

The American public was outraged at the committee’s findings that big business had led America to such useless carnage. Citizens joined to create some of the largest peace organizations the country had ever known. Committed to staying out of all future European wars, American college campuses in the 1930s had tens of thousands of students taking oaths swearing they

would never fight in a European war. Farmers, laborers, intellectuals, ministers - people from all walks of life - declared they would never again participate in a war fought to increase the profits of corporations.

And then, business fought back. They lobbied those in Congress to cut off funding for the Nye committee, which they soon did. A smear campaign was orchestrated against Senator Nye. The committees' days were numbered. In the end, the Nye Committee demonstrated that "these businesses were at the heart and center of a system that made going to war inevitable. They paved and greased the road to war." With World War II, the military-industrial complex would explode and come to dominate American economic and political life.

One hundred years later, the jurors of this Tribunal heard evidence of the same crimes by corporate defendants who reaped enormous profits when blood was spilt across the globe by the American military. We heard evidence of their influence, their lobbying, their corporate takeover of this nation's foreign policy and mainstream media in an effort to generate ever greater profits for their shareholders.

Today, the merchants of death thrive behind a veil of duplicity and slick media campaigns. But their crimes are clear and the evidence is overwhelming. Wherever they go, suffering and death, war crimes and atrocities, profits and stock buybacks follow.

AFGHANISTAN 2001 – 2021

“When we’re through with them,” CIA Counter Terrorism Center head Cofer Black told President George W. Bush on September 13, 2001, “they will have flies walking across their eyeballs.”

Aided and abetted by Lockheed Martin, Boeing, RTX/Raytheon, General Atomics and other U.S. weapons makers, the U.S. military began with an intense bombing campaign on October 7, 2001. For the next 20 years, the United States mounted air attacks and did indeed create dead eyeballs for Afghan flies to walk across, not only those of so-called terrorists, but of more than 70,000 Afghan civilians. The total number of people killed from 2001 to 2021 amounted to at least 243,000.

For many, if not most, in the United States, the October 7 attack on Afghanistan was an assault on a nation and people about which Americans knew little or nothing. Their support for the attack, and soon afterwards, the U.S. invasion, was based on fear and a desire for revenge for 9/11. It was launched on the word of President Bush, who said that the attack was necessary “to disrupt the use of Afghanistan as a terrorist base of operations, and to attack the military capability of the Taliban regime.”

What President Bush did not tell his constituents was that the Taliban had offered to put Osama bin Laden on trial before 9/11. Nor did he note that U.S. individuals and corporations, backed by the U.S. government, had long wished to exploit Afghanistan — as early as 1830. The “modern day” U.S. involvement in Afghanistan began as early as 1949, when the U.S. started an irrigation project said to be intended to aid Afghan farmers. But the involvement continued into providing weapons to Afghans fighting against Soviet occupation in the 1980s, only ending with the U.S. occupation in 2021.

Bush did not tell the public that both the U.S. and the Soviet Union had a keen interest in the vast mineral wealth of Afghanistan, dating back for the U.S. to at least the 1950s. And Bush did not note that within three weeks of 9/11, the U.S. Geological Survey was authorized, as *Scientific American* reported, “to help the Afghans firmly establish what natural resources lay buried in their native soil.” In 2010, U.S. General David Petraeus reported that Afghanistan possessed trillions of dollars in gold, copper, lithium, cobalt, iron, marble and other minerals.

Bush also omitted the fact that the U.S. oil company UNOCAL, which later merged with Chevron, was eager to build an oil pipeline from the vast Caspian oil fields through Afghanistan to the Indian Ocean. This was something undoubtedly of special interest to oil men Bush and his Vice President, Dick Cheney. The vice president had just left his post as the head of Halliburton, a multi-billion-dollar oil drilling services company with interests in the Caspian fields, and he knew that the Taliban government was making pipeline negotiations difficult.

As journalist Jonathan Steele details in *Ghosts of Afghanistan: The Haunted Battleground*, Bush did not acknowledge that as U.S. planes were bombarding one of the poorest nations in the world, then reeling under a severe drought, he was ignoring the pleas of UN officials, not to

mention an anti-Taliban Afghan leader, not to attack. They cited the 3.8 million Afghans completely dependent on outside food aid, explaining that war would make food deliveries much more difficult.

And, notably, Bush did not note that the October 7, 2001 attack on Afghanistan was a violation of international law. The war that was being launched was a war of choice undertaken in response to the criminal act of 9/11; it was not a response authorized by international law. Nor did the removal of the Taliban government comply with international law.

Finally, Bush did not reveal that several of his top officials had financial connections with major U.S. weapons makers. This included Cheney, whose wife Lynne had been a member of the board of directors of Lockheed Martin for six years. She resigned from the board in 2001 after her husband was elected vice president.

None of these concerns were revealed to the U.S. public or the world by either the Bush administration or the U.S. corporate media, which reported enthusiastically on the launching of carrier aircraft and Tomahawk missiles as a courageous response to 9/11. They didn't report the beginning of a rolling war crime that would engulf the Afghan people with 20 more years of suffering.

The magnitude of the crime of the October 7 attack itself can begin to be understood first by looking at the weapons that were used. The primary military challenge for the U.S. was Afghanistan's location. Afghanistan is a landlocked nation about the size of Texas, 300 miles from the nearest seacoast (the North Arabian Sea and part of the Indian Ocean). Because the U.S. did not have access to bases in any bordering nation, the taking of Afghanistan began with a massive bombing campaign launched from aircraft carriers.

The bombing was conducted against Taliban military targets and aimed to provide cover for the insertion of U.S. special forces troops who guided air attacks in support of the United States' hastily recruited Afghan allies, the Northern Alliance. This was a temporary alliance among sometime rival warlords who were contesting the Taliban for power and who cooperated with the United States because of the promise of air support and a reported \$70 million dollars in bribes.

Orders to assemble the U.S. naval force that would form the huge sea-going base for the October 7 bombing campaign were given on September 11, diverting the battle groups of the aircraft carriers Enterprise and Carl Vinson to the North Arabian Sea. The orders were apparently based on Pentagon awareness that Al Qaeda members, probably including Osama bin Laden, were living in Afghanistan and had been targets of a U.S. cruise missile attack in 1998.

By October 7, the attack flotilla included the aircraft carriers Enterprise and Carl Vinson; the destroyers McFaul, John Paul Jones and O'Brien; the cruiser Philippine Sea; the attack submarine Providence; and two British submarines, the Triumph and Trafalgar. In the second week of the air campaign, the flotilla was joined by the aircraft carriers Kitty Hawk and Theodore Roosevelt.

During the most intensive part of the bombing campaign, from October 7 until the end of 2001, more than 70 percent of the bombing sorties were flown by U.S. Navy pilots to targets in

Afghanistan 700 miles away. Sorties lasted four and one-half hours and required two inflight refuelings each way, which were often conducted by Royal Air Force tankers provided by the United Kingdom.

The aircraft involved in the bombing:

Flying from aircraft carriers:

F-14s (Northrup Grumman)

F-15s (Boeing)

F-16s (Lockheed Martin)

F-18s (Boeing)

Flying from Diego Garcia in the Indian Ocean:

B-1s (Boeing)

B-52s (Boeing)

Flying from Whiteman AFB in Missouri:

B-2s (Northrup Grumman)

Other aircraft included:

AC-130 Spooky and Specter gunships (Lockheed Martin/Boeing)

AV-8B Harrier IIs (McDonnell Douglas, now Boeing)

Predator and Global Hawk drones (General Atomics and Northrup Grumman, respectively).

The drones were used primarily to enable targeting for other aircraft. On October 7, the United States waged its first Predator drone attack, which was intended to kill the Taliban leader Mullah Omar. He had left his dwelling before the attack.

Between October 7 and the end of 2001, the following bombs and missiles were dropped:

AGM-65 – Maverick air-to-ground missile; for close air support of ground troops (RTX/Raytheon)

AGM-84 SLAM-ER– Air launched cruise missile (Boeing)

AGM-114 Hellfire missile (Lockheed Martin)

AGM-154 – Glide bomb (RTX/Raytheon)

BLU-109 2,000 lb. Bunker buster (General Dynamics)

Cluster bombs

CBU-87 and CBU 103 – 1,228 dropped, containing a total of 248,056 bomblets. These were dropped primarily by B-1 and B-52 bombers flying from Diego Garcia.

Cluster bomb bomblets are spread over a wide area, increasing the chances of indiscriminate killing of civilians, and danger to adults and especially children who may pick up unexploded bomblets. The international Convention on Cluster Munitions was adopted in 2008 to attempt to eliminate the use of cluster bombs; 123 nations have agreed not to use the weapon; the U.S. has declined to sign the treaty.

GBU-16 Paveway 1,000 lb. (Lockheed Martin/Raytheon)

GBU-12 laser guided (Lockheed Martin)

GBU-31 2,000 lb. JDAM (Boeing)

Tomahawk cruise missile (RTX/Raytheon). The Tomahawk missiles were launched from at least the following vessels: cruiser Philippine Sea; destroyers McFaul, O'Brien, John Paul Jones; and submarines Providence, Triumph and Trafalgar.

THE HUMAN TOLL

The highly respected journalist Jonathan Steele estimates in *Ghosts of Afghanistan: The Haunted Battleground* that as many as 13,000 Afghans may have died from direct and indirect causes due to the U.S. bombing that occurred between October 7 and the end of December 2001, with about 10,000 dying from indirect causes. More than 300,000 Afghans fled to Pakistan and Iran to escape the bombing campaign, Steele reports, and an additional 200,000 remained displaced in Afghanistan as they tried to escape the bombs and missiles, living with family or in camps.

Steele reports incidences of Afghans dying because of exposure to cold weather and harsh terrain as well as lack of food and medicine while, seeking safety, they were driven from their homes. Food prices soared when the bombing began. People had difficulty in reaching feeding centers, and food and other needed shipments were halted or disrupted by bombing. The U.S. dropped “humanitarian aid” in the form of food packets, but this in no way compensated for the profound upheaval and suffering caused by the bombing. According to *War and Decision*, a memoir by

Douglas Feith, an aide to Defense Secretary Donald Rumsfeld, the aid had a political purpose. “We wanted to reward initiative and encourage southerners to fight on our side, but we didn’t want our aid appearing to reward unhelpful action, which could happen if we put provisions into the hands of leaders working for the Taliban.”

With respect to direct casualties of the bombing, when one considers the one-sided nature of the short period of combat, the intermingling of civilians among Taliban and the lack of bombing accuracy and massive explosive power of the weapons used, it seems likely that the number of Afghan civilians killed is much higher than has been reported. Initial primary targets included: Kabul (2.4 million), Herat (234,000), Shindand (40,000), Shibarghan (170,000), Mazar-i-Sharif (172,000), Kandahar (305,000), Jalalabad (120,000), Taloqan (190,000), Khost (100,000) and Kunduz (200,000).

These communities were believed by the U.S. to contain Taliban military assets, which were minimal compared to those of the United States. They apparently included tanks and other armor, machine guns, anti-aircraft guns, artillery, Soviet artillery rocket launchers, rocket-propelled grenades and other light weapons. There is no evidence that the Taliban had any weapons, such as high-altitude ground-to-air missiles, with which they could counter or withstand the massive U.S. air assault.

We say “believed to contain” thanks to the passage in Douglas Feith’s memoir *War and Defense* describing how at the beginning of the October 7 bombing, the United States did not have solid intelligence with which to select Taliban targets. In the first few days of the air attacks, Feith writes: “What was making Rumsfeld uneasy was that many of the targets we were damaging or destroying in Afghanistan were not very valuable.” In addition, much of the early targeting was reportedly being controlled not from the battlefield but from U.S. command headquarters in Tampa, Florida.

Another element of danger for civilians was the use of Predator and Global Hawk drones for targeting, in light of the known limitations of the sensors of these weapons to accurately discern the identities and intentions of those targeted and to “see” the situations surrounding those targeted.

A further threat was the fact that U.S. pilots were arriving in Afghanistan fatigued from long flights overseas, often coming from the island of Diego Garcia in the Indian Ocean. “Navy pilots operated at the limits of their endurance,” according to a RAND report, “particularly for strikes from carriers into northern Afghanistan. Carrier-based pilots flew four-to-six-hour missions and refueled three or four times.” In addition, pilots avoided low-level bombing to escape anti-aircraft fire, which also made it harder to see their targets.

Sixty percent of the bombs dropped on Afghanistan were so-called precision guided munitions, which were in fact “dumb” bombs with little accuracy to which special guidance kits are attached. Military analyst Peter Conetta reported that most of the bombs dropped on Afghanistan were Joint Attack Direct Munitions (JDAMs), which used GPS guidance kits produced by Boeing. Sixty percent of the bombs dropped on Afghans were guided; 40 percent were not. But regardless of what kind of guidance system was used, the hazard to civilians was magnified

when bombs were used in urban areas, as so often happened in Afghanistan. The Geneva International Center for Humanitarian Demining studied the harm to civilians in urban areas due to the use of certain types of weapons, including Mk 82 500-hundred-pound JDAM and PAVEWAY bombs. It found that “Precision guidance systems fitted to the Mk 82 can increase its accuracy... However, accurately and precisely striking a target with a large munition such as a 500 lb. class bomb does not obviate its significant area effects and potential impact on civilians and civilian objects.”

The Center’s report says that in addition to the danger of direct hits as well as flying fragments of buildings and glass, the overpressure from the blast created by these bombs can be fatal and disabling: “Surviving an explosive attack with only surface bruises visible does not exclude ruptured eardrums, damaged lungs, internal bleeding, brain damage, infections and poisoning, and bone fracturing.” Cluster bombs presented a grave, long-term threat to Afghans, and almost certainly a significant number of people were killed by cluster bomblets months after the bombing campaign ended.

The foregoing presentation of evidence supports the charge that defendant corporations, together and separately, willfully and for profit provided weapons systems, parts and services for those systems and munitions that they knew or should have known would:

- Be used to undertake a war of aggression against the sovereign nation and people of Afghanistan, to illegally overthrow the government of Afghanistan and to occupy Afghanistan in violation of international law.
- Be used to support military action that would directly kill, maim and traumatize civilians, causing them to flee the protection, support and comfort of their homes and communities and preventing them from securing the food, shelter and medical care essential for their survival, particularly in the face of widespread drought and hunger.
- Indiscriminately kill, maim and traumatize civilians, or lead to these results because of the weapons systems and munitions themselves.
- Support the use of disproportionate military force against combatants, in violation of the laws of armed conflict.

Pentagon officials and weapons manufacturers should have known the dangers Afghan civilians and military would face as they were attacked by forces using a formidable arsenal of weaponry, including both aircraft and munitions. The U.S. attacks represented disproportionate use of force against a largely civilian and defenseless population.

THE URUZGAN SLAUGHTER

The extraordinarily high level of U.S. bombing of Afghanistan that began in 2001, and which this Tribunal has evidenced, declined in the early 2000s, but U.S. air attacks continued to be central to sustaining the U.S. occupation and, unintentionally, in aiding Taliban recruiting by creating anger among the local population for indiscriminate bombing and killing of Afghan civilians.

As just one example, on July 1, 2002, a U.S. AC-130U gunship and a B-52 bomber attacked a night-time wedding celebration in Uruzgan Province. Celebratory gunfire was mistaken for anti-aircraft fire and the U.S. military let loose a barrage of deadly firepower. Four villages came under attack that night, leaving 54 civilians dead and 50 injured. Among the wounded, according to CNN, were two girls, six and seven years old, “the only surviving members of their families.” The Pentagon spokesperson only remarked, “As far as I know, there was no wedding party. Coalition forces were moving to conduct an operation that came under fire. They called in close air support. Anti-aircraft fire was fired at the aircraft, and those targets were engaged.”

As an aside, we must note that Uruzgan Province is the foremost source in Afghanistan of fluorspar, a mineral used in the production of steel and other alloys, as well as industrial chemicals, glass, enamelware, lenses and gemstones. The United States imports fluorspar. Corporate interests are never far away.

As the U.S. increased its level of troops in Afghanistan, it increased its air attacks. When a country makes war, especially perpetual war as does the United States, it corrodes the humanity and the decency of its troops and of its government. Killing becomes a cold and callous action, one at which soldiers laugh.

In 2008, Human Watch Rights reported:

The combination of light ground forces and overwhelming airpower has become the dominant doctrine of war for the U.S. in Afghanistan. The result has been large numbers of civilian casualties, controversy over the continued use of airpower in Afghanistan, and intense criticism of US and NATO forces by Afghan political leaders and the general public.

Concern about the high level of civilian deaths from U.S. air attacks caused then U.S. commander in Afghanistan General Stanley McChrystal to issue an order in July 2009 that attempted to limit bombing and airborne missile attacks. His directive said, in part, “Commanders must weigh the gain of using close air support against the cost of civilian casualties, which in the long run makes mission success more difficult and turns the Afghan people against us.”

The McChrystal order, however, failed to effectively change the reality of U.S. air war attack culture in Afghanistan, in which any Afghan was prejudged as dangerous. Concern for civilian life was incidental to eliminating any reported or suspected level of armed threat to the invading

U.S. troops. This meant in practice that all Afghans could be considered legitimate targets absent a substantial amount of evidence to the contrary, except for toddlers.

As indicated in General McChrystal's directive, these air attacks were often said to involve "close air support," a term that suggests careful firing of weapons at active, identified opponents involved in a firefight with U.S. troops. In reality, close air support might include Boeing B-52 bombers dropping 500-pound or larger bombs from great altitudes on areas in which opponents or potential opponents have been suspected, regardless of the possible presence of civilians. Or it might involve Lockheed Martin F-16 jet fighters using 500-pound bombs from lower altitudes against combatants or suspected combatants or against buildings believed to be concealing combatants.

Close air support was also provided by Boeing Apache helicopters, General Atomics MQ-1 Predator drones firing Lockheed Martin Hellfire missiles, which have widespread, devastating blast effects, and the Lockheed Martin/Boeing AC-130 gunships firing 40 mm and 105 mm cannons and 25 mm Gatling guns firing 1,800 rounds a minute. In virtually all cases, Afghan opponents were armed with relatively light weapons and had no up-to-date anti-aircraft equipment.

What we will call "The Uruzgan Incident," the attack that occurred in Uruzgan Province on February 21, 2010, about eight months after the McChrystal directive, tragically illustrates the danger that U.S. air war culture presented to Afghan civilians. It also exposes what appeared to be serious technical shortcomings in RTX/Raytheon equipment used by General Atomics Predator drones and Lockheed Martin/Boeing AC-130 gunships and other aircraft. As David S. Cloud wrote in the *Los Angeles Times* in his report on the Feb. 21st incident:

The Americans were using some of the most sophisticated tools in the history of war, technological marvels of surveillance and intelligence gathering that allowed them to see into once-inaccessible corners of the battlefield. But the high-tech wizardry would fail in its most elemental purpose: to tell the difference between friend and foe.

Indeed, General McChrystal was well aware of the technological limitations of drone sensor cameras.

The documentary *National Bird*, produced and directed by Sonia Kennebeck, provides an extremely well-documented account of the U.S. air attacks that killed up to 23 Afghan civilians on February 21. The exact number of dead is not known because some bodies were too pulverized to permit an accurate count. The Army investigative report on the attack said that "the catastrophic nature of the strike makes an exact determination of the number killed impossible." Only 12 civilians survived. The chain of events that led up to the incident and its aftermath is also documented in great detail by Derek Gregory of *Geographic Imaginations*.

The Uruzgan Incident began at 2:45 am on the morning of February 21, when three U.S. Army Boeing Chinook helicopters took off from a small base in northwestern Uruzgan on a 10-minute hop to ferry a group of U.S. Army special forces, Afghan troops and Afghan police on a night mission, reportedly to look for a roadside bomb factory in the village of Khod. The helicopters

were accompanied by an AC-130H Spectre gunship made by Lockheed Martin and Boeing, which was intended to provide protection for the ground force. A General Atomics MQ-1 Predator drone was also present in support, but armed with only one Hellfire air-to-ground missile made by Lockheed Martin, having used its other missile in an earlier part of its mission.

As the ground forces progressed, there was radio evidence that the Taliban intended to attack at some point and might be awaiting the departure of the AC-130H, which would eventually run low on fuel. At 4:45 a.m. a ground team member saw headlights that appeared to be approaching. At 4:54 am, the commander of the AC-130H reported seeing headlights that, through the plane's infrared cameras, "appeared to be trucks full of hot spots [humans]"; three vehicles driving three or four miles from the nearest U.S./Afghan soldiers.

The AC-130H commander did not want to fire on the two SUVs and a pickup truck because the resolution of the plane's infra-red camera was not adequate to determine anything about the sex, gender and ages of those being viewed. He asked the Predator drone crew to "take a look at these people."

At 5:09 am, the drone operator reported sighting the vehicles with the drone cameras, but the drone equipment did not help in making a more exact identification of those being watched. At 5:34, the AC-130H, now running low on fuel, departed, leaving the task of target identification solely to the Predator crew at Creech AFB in Nevada. They were joined by "screeners" at the Special Operations Command at Hurlburt Field in Florida, who were viewing even vaguer images than those being seen at Creech because the images became less distinct as they were distributed from Creech to Hurlburt.

Throughout the process of tracking the vehicles, the U.S. military personnel often speak of the Afghans they are monitoring in derogatory terms as they search for weapons or other indicators that will permit them to open fire. Indeed, analysis of the conversations of drone operators appearing in *Geographical Imaginations* suggests that the decision to attack the Afghans was pushed forward by prejudice, ignorance, suspicion and presumption of evil intent. The Army investigation of the incident noted:

The pervasive theme throughout several interviews with the Predator team and seen throughout the internal crew dialogue was the desire to go kinetic [to attack].

The captain who was supposed to act as a safety observer stated that there was a 'Top Gun' mentality amongst the Predator crews.

The Predator crews sitting safely in Creech AFB, Nevada should be a dispassionate check on forces facing a dangerous situation. Instead, the most mature voice on the radio was [the Army commander] who was in harm's way on the ground.

At one point, when the vehicles stop and the occupants get out to pray, a drone sensor [camera operator] says, "Praying? I mean seriously, that's what they do." To which the drone crew intelligence coordinator responds: "They're gonna do something nefarious."

At no moment during the incident do any of those tracking the vehicles have a clear idea of who are in the vehicles.

As Derek Gregory points out,

While the commander of the AC-130 told the [Army attack controller on the ground] that the resolution of its infra-red sensors was not enough to make out the composition of the occupants, the full-motion [FMV] feed from the Predator was limited too, even when the sensor operator switched from infra-red to color once the sun came up. Its clarity depended in part on the ability of the sensor operator to focus the camera – which could be confounded by cloud or dust – and as the image stream was compressed to accommodate bandwidth constraints and distributed across multiple networks so its clarity was degraded and, significantly, varied from place to place. It was never crystal clear.

At about 8:30 am, three and a half hours after the three vehicles had come under surveillance, primarily through the RTX/Raytheon cameras on the Predator, and after debates at various levels in the chain of command about the possible intentions of those targeted by the indefinite camera imagery, two U.S. OH-58D helicopters were cleared to attack the three vehicles using Hellfire missiles, produced by Lockheed Martin.

The Afghans who were crammed into the three vehicles that were attacked, *Los Angeles Times* reporter David Cloud reported, were “shopkeepers going for supplies, students returning to school, people seeking medical treatment and families with children off to visit relatives.” The Army investigative report describes what happened:

The first [Hellfire] missile struck the first vehicle in the convoy with a catastrophic kill. The second Hellfire struck the third vehicle in the convoy as the occupants were exiting the vehicle, having stopped after seeing the first vehicle hit. A pilot from each of the helicopters confirmed that occupants of the third vehicle looked like they exited holding weapons and were crouching in a defensive firing position before the second vehicle was struck. The third missile struck immediately in front of the middle vehicle, disabling it. After the occupants of the second vehicle exited, the [2.75” Hydra 70] rockets were fired at the people running from the scene, referred to as ‘squirters’; however, the rockets did not hit any of the targets. As [the helicopters] were coming around to re-engage, the pilots observed the ‘squirters’ had brightly colored clothing and looked like females. The females appeared to be waving a scarf or part of the burqas. The OH-58Ds immediately ceased engagement and reported the possible presence of females to the air control officer on the ground.

In the stunning moments after the vehicles disappeared in clouds of smoke on their drone control screen, the attackers realized that they had made an unspeakable mistake. U.S. special forces troops were sent to the scene to investigate but they did not arrive until nearly four hours after the attack, twice the length of time specified by military policy.

A U.S. soldier told investigators that what he saw “was horrific, it really was horrific... we had women and children... We had carnage...” The soldier broke down during his interview saying he was “physically and emotionally upset” by what he saw. Vehicles were blown apart and bodies and body parts were strewn about. Some bodies were still trapped in and under the vehicles.

The special forces commander ordered his medics to immediately care for the 12 survivors of the attack, who were then taken by the U.S. military to U.S. and Dutch military hospitals in Tarin Kowt, Uruzgan’s capital. Two men and a boy of five had portions of their legs amputated. Afghans living in the area took the remains of the dead home to their villages for burial. In a video of this return of the bodies to families and friends, shown by *National Bird*, people viewing the blanket-wrapped corpses and pieces of corpses are heard saying: “Oh, this is my sweet child”; “Is this your son?”; “Isn’t that the brother of Gulam?”; “Are there children under the blanket?; “There are two or three.”

The doctor treating Shurab, a five-year-old boy, whose father, brother and sister were killed in the attack, told U.S. military investigators:

His leg was smashed so we had to amputate on the first night. I tell you the biggest thing in this community will be managing the sequentially increasing size prosthesis, and they will need a lot of backup. In the States or Australia, it would be easy to come back to the clinic but here in Afghanistan that’s not going to be that straightforward. We’ll get him suited up initially, but he’ll need to come back every so often as he grows.

The military investigators listed other casualties in their report, including:

50-year-old female.

Left leg fracture. Severe multiple fractures of left foot. Right leg laceration and soft tissue injuries.

Treatments to date (3/10/10): Treatment of right leg soft tissue injuries, external fixation of left leg and foot, wounds cleaned and closed. Continues to do well. Treatment not complete.

Mid-20s male.

Face and neck trauma. Pneumothorax, multiple chest shrapnel. Right shrapnel injury.

Treatments to date (3/10/10): Chest surgery, removal of shrapnel, chest tube, tracheostomy, wounds cleaned and closed, wound vacuum. Treatment complete and awaiting transport back to home village. Patient is eager to return home.

20s male.

Left lower leg amputation. Multiple shrapnel injuries.

Treatments to date (3/10/10): Amputation at left ankle, wounds cleaned and closed. Treatment complete and awaiting transport back to home village. Patient is eager to return home.

The Army reported that it compensated the victims of the attack as follows:

23 death payments of \$5,000 to surviving family members as identified by village elders.

Total: \$115,000.

15 injured claims of \$3,000 each.
Total: \$45,000.

Reimbursement for three destroyed vehicles, at \$5,000 per vehicle.
Total: \$15,000.

A goat was given to a family member of each of the deceased, as the Army report says “as a sign of respect/condolence under local village tradition.” The *Washington Post* reported in 2012 that the cost of a goat in Afghanistan might “go as high as \$200.”
Total: \$4,600.

The total compensation to the victims of the attack by the U.S. amounted to \$179,600. This is less than half the nearly \$373,000 cost of the three Hellfire missiles and perhaps 10 Hydra rockets that the U.S. helicopters fired on the Afghans.

The U.S. also provided the affected villages with medical and veterinary assistance and “a work for money program which paid for 71 local small projects such as digging a sewage drain, digging a trash hole” and carrying human assistance supplies to a distribution point. The supplies included: 100 bags each of rice and beans; 40 toys; 420 halal meals; 60 medicine packs; 160 radios; 300 articles of clothing; 1,000 hygiene products. A school was given: 1,000 notebooks, pens, pencils and erasers and 100 compasses and protractor kits.

After a three-month investigation, the Pentagon issued a report saying that “inaccurate and unprofessional” reporting by the Creech drone operators was a key factor in the Uruzgan incident. “The strike occurred because the ground force commander lacked a clear understanding of who was in the vehicles, the location, direction of travel, and the likely course of action of the vehicles,” the military said. Four U.S. officers were reprimanded or otherwise disciplined.

There is no evidence, however, that the military undertook an investigation into the effectiveness and reliability of the video and infra-red surveillance equipment used by the AC-130H Spectre gunship and MQ-1 Predator drone that was so critical and undependable in the incident. General McChrystal’s promise of limiting civilian casualties was one that he may have known he could not keep, in part because the failings of the drone cameras were well known, particularly to drone camera operators.

What we see here, as in so many other instances, is that the lack of clear imagery from the AC-130H Spectre gunship and the Predator drone was not viewed by the military as sufficient reason to call off the Uruzgan attack. Nor did the Uruzgan incident bring a decision to discontinue all air attacks relying on video and infra-red sensors, even though it is obvious that General McChrystal and his staff knew of their deadly limitations. Nor have we any evidence that drone maker General Atomics or sensor maker Raytheon advised the military of these failings or urged that the equipment be pulled from use.

Of course, the decision to kill Afghans was made regardless of whether the U.S. invasion and occupation were legal, despite a lack of judicial due process of any kind as to how killings would be conducted, and despite whether the U.S. even had the right to conduct a judicial process in another sovereign country. The result: innocent men, women, and children killed unlawfully by

U.S. weapons. A story so common it has sadly become a cliché, a damning one, and one this Tribunal seeks to remedy.

All this was well known to the weapons makers: the failure of equipment to properly distinguish enemy combatants from innocent civilians, the lack of judicial process, the cavalier and careless manner in which the weapons were deployed, and the fact that these weapons were killing countless noncombatants.

KUNDUZ HOSPITAL BOMBING

President Barack Obama ordered a “surge” of 30,000 U.S. troops into Afghanistan in 2009, putting more than 110,000 occupiers into Afghanistan by 2011. The surge strategy was doomed from the start, with Afghans themselves realizing this all too well.

This move gave the Taliban opponents of the occupation a powerful recruiting argument, and gradually it became clear that the Taliban was winning the war on the ground in spite of the “surge” and the billions being spent by the United States. By 2015 the U.S. troop level had been cut to 8,550, the lowest level until the U.S. would be forced to leave altogether in 2021.

But to keep the U.S. hand in Afghanistan and to spare the lives of U.S. troops, President Obama and his generals shifted the burden of the fighting to the military of the Afghan puppet government, using U.S. air support and U.S. Special Forces to bail out the Afghan government forces in emergencies. Lockheed Martin, Boeing, RTX/Raytheon and General Atomics provided the weapons on which this atrocious, colonial strategy was based.

This strategy came into play on October 3, 2015, when a U.S. Air Force AC-130U “Spooky” gunship, produced by Lockheed Martin and Boeing, was called in to help repel Taliban troops who were overrunning the city of Kunduz, as part of a successful Taliban offensive in the northern, eastern and southern parts of the country.

The military situation on the ground was one of swirling gun battles between Taliban fighters and Afghan government forces in the streets of Kunduz, a city of 269,000. Afghan government commandos and U.S. special forces, who were called in late to the battle, were relying completely on U.S. air support such as the “Spooky” to dislodge a well-prepared Taliban force.

Amidst this chaos, a hospital run by the international charity Médecins Sans Frontières (MSF), also known as Doctors Without Borders, was providing emergency care to victims of the fighting regardless of which side they were on. The hospital had been an oasis of trauma care and human decency since it was established in 2011, the only facility of its kind in northeastern Afghanistan, sparing severely injured people the long, dangerous trek to the capital, Kabul, for similar care. Between August 2011 and August 2015, the hospital treated 6,685 patients, about a third of them

suffering from war-related injuries. MSF reported that in the five days after the battle for Kunduz City began on September 28, its hospital there had treated 376 patients in its emergency room.

On the night of October 3, as the “Spooky” gunship circled overhead, there were 105 patients in the hospital, which was staffed by 140 international and Afghan health care professionals, 80 of whom were on duty. Most of the patients were sleeping in their beds, some were being operated on.

A few minutes after 2 am the pilot of the “Spooky” rolled his plane to the left, bringing its guns to bear on the hospital, and the crew opened fire. Dr. Evangeline Cua, a Filipina surgeon on duty, provided this eyewitness account of the horror that ensued, published, along with the following quote, on *Geographical Imaginations*:

We were like two headless chickens running in total darkness — me and the surgeon who assisted me in an operation. The nurses who were with us a moment ago had run outside the building, braving the volley of gunshots coming from above. I was coughing, half-choked by dust swirling around the area. Behind my surgical mask, my mouth was gritty, as if somebody forced me to eat sand. I could hear my breath rasping in and out. Layers of smoke coming from a nearby room made it hard to see where we were. Blinking around, I caught sight of a glow, from a man’s hand holding a phone. He seemed mortally wounded but was still trying to send a message...perhaps to a loved one?

I stood transfixed, not knowing where to turn or what to do. All around us, bombing continued in regular intervals, shaking the ground, sending debris sweeping and flying. One. Two. Three. I tried to count but there seems to be no abatement to the explosions. I stopped counting at eight and silently prayed that we could get out of there alive.

Fire licked at the roof at one end of the building, dancing and sparkling in the dark, reaching towards the branches of the trees nearby. The ICU was burning. Outside, only the constant humming from above pointed to the presence of something. An aircraft? Airstrike? Why the hospital? Why us? Then, without warning, another tremendous, ear-splitting blast shook the building. The ceiling came crashing down on us and the last remaining lights were turned off, sending us to total darkness. I screamed in terror as wires pinned me to the ground. That was the last thing I could remember.

Emergency room doctor Kathleen Thomas, sleeping in a building near the main hospital building, was awakened by the attack:

We opened the door and that was the most memorable moment for me, looking up and seeing this figure standing in the door...who was a nurse from the ER, I recognized him immediately. His left arm had been almost completely amputated and was just hanging by a small thread of tissue. He was covered in debris which looked like dust. All of his clothes were in tatters. He had major injuries all over his arms, his face was bleeding and there was a big piece of metal sticking out his back.

MSF reports the attack lasted “around an hour,” making five attack passes at the hospital at 15-minute intervals, during which the crew reportedly pumped 211 shells into the hospital from its M-105 howitzer cannon, which can fire ten 33-pound 105 mm high-explosive shells a minute.

Testimony of MSF staff who were present suggests that the crew of the “Spooky” also fired other weapons, which might have included a rapid-fire 40 mm Bofors cannon, a type of weapon originally used in World War II as an anti-aircraft gun. It fires 120 rounds a minute. It was also armed with a notorious 25mm, 5-barrelled Gatling cannon, nicknamed “The Crowd-pleaser” by the military; it can fire 1,800 incendiary rounds a minute.

When the attack ended, the main hospital building was completely wrecked and engulfed in flames. At least 42 people were dead, including 14 members of the medical staff and four patient caretakers and patients, some of whom died in the ICU, which was the first unit to be hit. At least 37 others were injured. “Our patients burned in their beds, our medical staff were decapitated or lost limbs. Others were shot from the air while they fled the burning building,” MSF reported. A photo accompanying a remarkably thorough report on the attack by Matthieu Aikins in the *New York Times* shows a charred skeleton of one of the victims lying under what appears to be a hospital table.

Throughout the attack, MSF reported, “our teams desperately called military authorities to stop the attack.” MSF continued, “The attacks took place despite the fact that we had provided the GPS coordinates of the trauma hospital to the U.S. Department of Defense, Afghan Ministry of Interior and Defense, and U.S. Army in Kabul as recently as Tuesday, 29 September [2015].” “The event shocked the world and would permanently weigh on U.S. soldiers and officials working on Afghanistan,” said Carter Malkasian in his history “The American War in Afghanistan.”

Four days after the attack, Jonas Cone, then Executive Director of MSF - USA, reported that MSF was asking for an investigation into the attack by the International Humanitarian Fact-Finding Commission.

Five weeks after the attack, Democracy Now gave a report detailing the difficulty in identifying all the victims, the lack of information on why the attack occurred and the need for the investigation of the International Humanitarian Fact-Finding Commission.

Six weeks after the attack, Dr. Joanne Liu, then international president of MSF, toured the destroyed hospital and held a commemoration with Afghans mourning the dead.

The International Human Rights Fact-Finding Commission never investigated the Kunduz attack because the United States declined to accept the group’s offer to investigate, according to MSF, saying that it “acknowledged its responsibility” and “proceeded with a partially declassified national military investigation.”

Six months after the attack, the Pentagon and General John Campbell, the top U.S. general in Afghanistan, issued a report saying that the attack had been an accident in which the hospital was misidentified through human and technical failures and that 16 military personnel would be disciplined.

Derek Gregory, writing in *Geographic Imaginations*, explained after studying the Pentagon report:

The redacted version of the final report that has been released to the public is (by the standards of other US military investigations) profoundly unsatisfactory – redacted with a brutishly heavy hand. Time and time again, ironically, references to the time of events have been removed; transcripts of radio communications and interviews by the investigating panel that have been released in other cases have been suppressed; and some redactions seem to have been made not for reasons of privacy or security but to avoid embarrassment.

There also remains a question, as Matthieu Aikins reported, of whether an Afghan government commander in the area may have intentionally given erroneous targeting information to the U.S. hoping to kill Taliban fighters who were being treated in the hospital, which had a policy of neutrality in patient care.

But even if the hospital was purposely misidentified as a target by Afghan forces, and even if we accept that the “Spooky” crew did not intend to attack the hospital, we must note the simple fact that key infrared targeting equipment that we believe was manufactured by RTX/Raytheon and Lockheed Martin did not provide the information necessary to enable the plane crew to know what they were shooting at.

The AC-130U “is best used at night to optimize all of its sensors,” a CIA document says, noting that

The U-model gunship is one of the most complex weapons systems in the world today, containing more than 609,000 lines of software in its mission computers and avionics systems...the AC-130U incorporates the latest sensor [video] technology, along with a new fire-control system... All light-level television, infrared sensors, and the Hughes APQ-180 radar provide night and adverse weather capability. The strike radar provides the first gunship capability for all weather/night target acquisition and strike.

But, this sophisticated targeting gear did not show the hospital in high enough resolution to distinguish it from a very different looking building more than a quarter of a mile away that was supposed to be the target. The aircraft’s sensor operator was reportedly given confusing information from the ground, and the aircraft’s targeting technology gave insufficient information not only on the building targeted but also on the identities or intentions of people who were being viewed electronically.

Finally, the aircraft’s video equipment did not enable the aircraft crew to see a large white and red flag spread on the hospital roof reading “Médecins Sans Frontières,” the existence of which was reported by *New York Times* reporter Joseph Goldstein. Nor could the air crew see the MSF signs on the front gate of the hospital.

In its report on International Laws of Armed Conflict the International Committee of the Red Cross (ICRC) explains, “Civilians must not be the object of attack. You must therefore never use

any weapon or weapons system which does not enable you to distinguish between combatants and civilians and between military objectives and civilian objectives.”

Use of certain weapons and munitions carried by the AC-130U in Afghanistan also appear to violate international laws of armed conflict governing proportional use of force, particularly their use in urban areas. The 105 mm, 33-pound shell fired by the AC-130U is considered a medium weight artillery round, not acceptable for use in cities like Kunduz.

In a 2014 commentary, the ICRC said that such “explosive weapons are designed for open battlefields, not built-up urban areas. From the evidence of recent conflicts, we seriously question whether they can be used to target military objectives in populated areas with enough accuracy, or indeed whether their effects can be limited as required by international humanitarian law.” It added, “This is not about the weapons themselves – it’s about where and how they are used.”

In addition, the incendiary shells that can be carried by the AC-130U appear to be of a type prohibited by a UN General Secretary’s Bulletin under international humanitarian law, although the U.S. has not accepted this prohibition.

May Jeong, writing for the *Intercept* on the massacre, reported:

...it’s worth noting, according to a Western security analyst who is an expert on Kunduz, that ‘even if they had struck the NDS headquarters, there still would have been civilian casualties.’ The NDS office, which the U.S. military has said was the intended target, stands in a residential neighborhood, as do a private home and tea factory that were also bombed on the night of the MSF hospital strike. An AC-130, the analyst pointed out, is a disproportionate and indiscriminate weapon, not appropriate for use in civilian areas in the dead of night.

Indeed, the U.S. military, Lockheed Martin, Boeing and RTX/Raytheon had evidence that the AC-130U itself is, because of its limitations in accurately “seeing” people targeted, especially at night, and in addition to its immense fire power, an illegal weapon due to its capacity in presenting an unacceptable risk to civilians.

This was demonstrated in August 2008, when an AC-130U “Spooky” was called on to conduct a night attack on Taliban fighters in the village of Azizabad, in Herat Province, Afghanistan. A United Nations investigation found “convincing evidence, based on the testimony of eyewitnesses, and others, that some 90 civilians were killed — including 60 children, 15 women and 15 men — and another 15 villagers wounded.”

An exhaustive USA Today report of the incident gave this account of what the AC-130U pilot experienced:

The [U.S.] commander [on the ground] told the radio controller next to him to call the gunship in the air, circling at 10,000 feet. The enemy was ‘danger close.’

The gunship crew heard panic on the other line and got to work. They used high-powered cameras to scan around the courtyard and the surrounding buildings.

Then they unleashed 40-millimeter and howitzer fire into the alley and onto rooftops. Some exploded above the ground and flung 14,000 shrapnel fragments per round into a rainbow pattern.

Some targets appeared to be running, and others were taking up positions. But identifying people from the air alone was impossible, the pilot would later tell investigators.

‘It was like going out into a field in the middle of the night on about a quarter moon, and you see a dark shape moving through the field,’ the pilot said.

Residents of Azizabad protested and the Afghan government issued a statement saying that "air strikes on civilian targets, unilateral searches of homes and illegal detentions must be stopped immediately."

The AC-130U came into use in the VietNam War in 1967. It replaced the older AC-47 “Spooky” gunship, nicknamed “Puff the Magic Dragon,” which had been created in 1964 for use against Viet Cong and North Vietnamese troops. The AC-130U was born to be a weapon of colonial enforcement, and it continues in that role today, enriching its manufacturers, Lockheed Martin, Boeing and RTX/Raytheon, corporations that have not been held accountable for creating a weapon that brings unacceptable risks to civilians, a weapon that should have never been created.

THE FINAL BOMBINGS OF AFGHANISTAN

Although there was talk of the U.S. pulling out of Afghanistan as early as 2013, U.S. Presidents Obama, Trump and Biden continued desperately to try to bomb Afghans into accepting a puppet government controlled from Washington. The strategy of slaughter from the air of defenseless Afghans would continue in surges until the U.S. was forced to leave Afghanistan in 2021. It was a strategy that would have been impossible without the total support of Lockheed Martin, Boeing, RTX/Raytheon and drone maker General Atomics, corporations that continued to profit handsomely as they participated in prolonging the suffering of the Afghan people.

The greatest surge in U.S. air attacks in Afghanistan, second only to that of the 2001 U.S. invasion, began immediately after the election of President Donald Trump. It was overseen by General Joseph Dunford, then Chairman of the U.S. Joint Chiefs of Staff, who, upon retiring from the military, became a member of Lockheed Martin’s Board of Directors.

In 2016, U.S. aircraft launched 1,337 bombs and missiles against Afghans. By 2019, the number was 7,423. Thousands of Afghans were killed, maimed and uncounted in remote regions, most of them innocent civilians. This took place when U.S. politicians and generals were continually finding new phrases to perpetuate a war they knew was a hopeless fiasco.

In “The Afghanistan Papers,” *Washington Post* reporter Craig Whitlock writes:

While the fighting had become much less visible to Americans at home, the violence inflicted new levels of mayhem on the ground, killing and wounding record numbers of Afghan civilians.

During Trump’s first three years in office, U.S., NATO and Afghan airstrikes killed an estimated 1,134 civilians a year – double the annual average of the previous decade, according to an analysis by the Costs of War Project at Brown University.

Among the Afghans killed during this surge were 30 farmers who were slain on September 18, 2019 by a U.S. General Atomics Reaper drone while they were resting in the evening by campfires after harvesting pine nuts, a major export of Afghanistan. Forty other farmers were wounded.

Daniel Hale, a former member of the U.S. Air Force, was charged with leaking the drone papers in question to the *Intercept* and was convicted in July 2021 for violating the U.S. Espionage Act and sentenced to 45 months in Federal prison. The United States never disputed the information released by Hale. President Biden ignored pleas to release Hale, including from Congresswoman Ilhan Omar, who was born in Somalia, a nation under continuing U.S. drone attack.

To our knowledge the U.S. government has made no public apology to the families of the killed and wounded pine nut farmers. Nor can we find any apology from General Atomics, maker of the MQ-9 Reaper drone that was used in the attack. Nor did we find evidence that company owners Neal and Linden Blue showed any concern for the Afghan people whose lives were lost or harmed by the shortcoming of their drone technology.

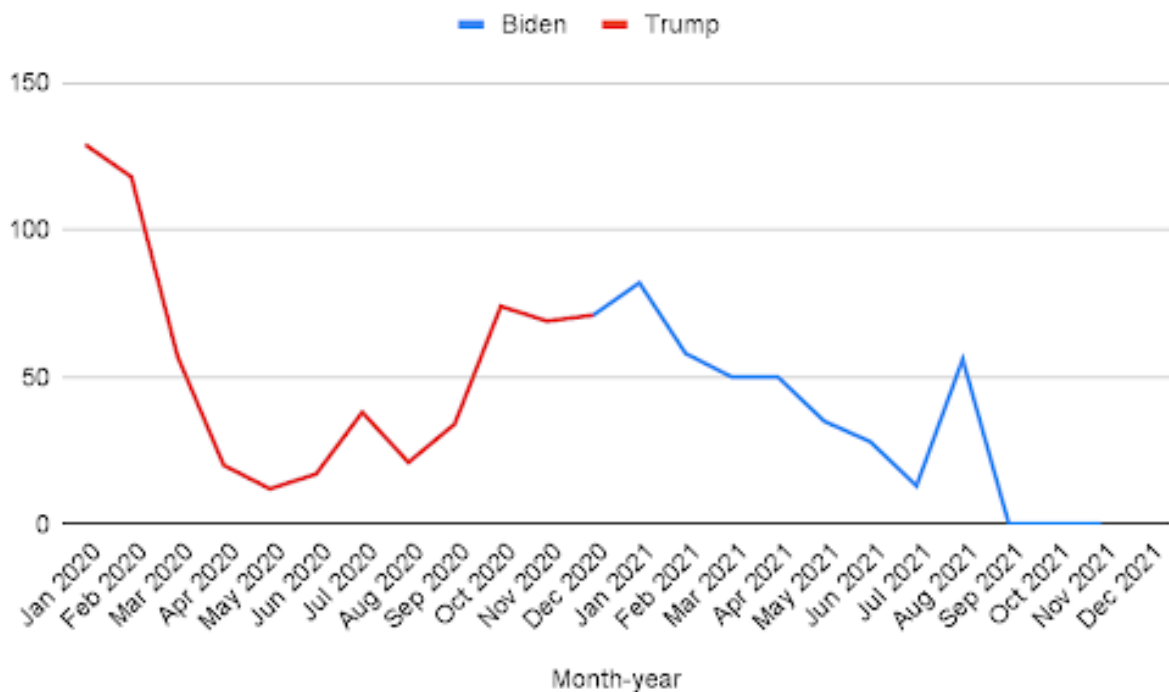
To the contrary, in 2020 General Atomics named the 20th Attack Squadron sometimes known as the “Hellhounds” and stationed at Whiteman Air Force Base in Missouri the General Atomics 2019 Remotely Piloted Aircraft (RPA) Squadron of the Year. This is an award for wholesale killing, made to a military unit by a private company that profits from the mass killing being undertaken by those receiving the so-called award.

“Through their dedicated support of Operation Freedom’s Sentinel [in Afghanistan], the 20th Attack Squadron became the U.S Air Force’s most lethal squadron, achieving a 97 percent strike effectiveness rating,” explained a press release issued by drone center Creech Air Force Base.

The intensity of U.S. air attacks against Afghans under President Trump diminished in early 2020. But as shown by the graph below, provided by Airwars, a UK-based nongovernmental organization that monitors airstrikes, President Trump increased the bombing after August 2020, which continued up to the time that President Biden took office. President Biden then increased air attacks for at least another month after assuming office.

The Biden air attacks steadily decreased in the spring and early summer of 2021, then spiked again in July and August as the U.S. desperately tried to shore up its Afghan puppet government. It is very likely that the actual numbers of attacks are greater than shown here.

Declared US Strikes in Afghanistan by President 2020-2021



Unlike the opening of the invasion of Afghanistan in October 2001, President Biden and the Pentagon did not trumpet the launching of U.S. aircraft and munitions against the Taliban in July 2021. The few Pentagon reporters who tried to learn details about the final U.S. bombing of Afghanistan encountered only stonewalling.

At a July 2, 2021 press conference, President Biden, giving a hurried answer to a reporter's uncomfortable question, said only that the U.S. air attacks then underway were "value added" to the Afghan government's efforts to stop the Taliban's nationwide, sweeping advance. Other information about the bombing slowly leaked out.

On July 22, Voice of America reported that the U.S. had launched a "half dozen air strikes across Afghanistan in the past 30 days" to support Afghan forces, targeting military equipment that the Taliban was capturing. And, the Voice of America report said, according to a U.S. official who was "speaking on the condition of anonymity because of the sensitive nature of the information," the U.S. planes were also attacking "enemy personnel."

On August 3, the *New York Times* reported that the U.S. had been launching "dozens of airstrikes, which began two weeks ago..." The report said that Taliban troops had entered "several provincial capitals such as Kunduz in the north, Kandahar and Lashkar Gah in the south and Herat in the west."

An Afghan officer in Lashkar Gah, the *Times* said, described the situation there as "hell," as fighting continued between the Afghan government and Taliban soldiers, despite Afghan

reinforcements and American bombing, which included bombing in urban areas. *Airwars* pointed out that the heightened risk to civilians from urban bombing “has long been known.” Startlingly, huge Boeing B-52s took part in the final bombing.

Air Force Times reporter Rachel Cohen wrote on October 5, 2021 that six B-52s and 300 airmen flew 3,100 hours and 240 combat sorties over Afghanistan from April to September 2021 in “a last-ditch effort for America’s oldest bomber to secure some stability in the final days of the war.”

The article, which is often quite detailed, provides no information on what type of bombs were dropped, or where. Cohen writes that the crew had to use fewer bombs than expected because the Taliban was allowing U.S. forces to leave unmolested. “Still,” she reports, “the bombers weren’t only there for reconnaissance. B-52s were called in to defend Afghan military checkpoints across the country and other partners that were overrun or at risk, or to take out Taliban fighters who had already attacked Afghan forces.”

Cohen notes that Fawad Aman, then a spokesperson for the Afghan Ministry of Defense, said on Twitter that a B-52 attack on a Taliban gathering on August 7, 2021 in the northern city of Sheberghan inflicted “heavy casualties.” That weekend Sheberghan became the second regional capital to fall to the Taliban. Cohen continues, “A U.S. Central Command spokesperson did not confirm the [B-52] bomber’s involvement by press time.”

Arab News provides more detailed reporting on the effect of B-52 bombing in the closing moments of U.S. presence in Afghanistan, saying that a B-52 “pounded Taliban positions” on the outskirts of Herat on July 31, 2021.

On March 13, 2023, a Tribunal staff member called Minot Air Force Base asking for specific bomb types carried by B-52s which were sent from Minot to Al Udeid Air Base in Qatar for use in Afghanistan. A staff sergeant said we could expect a reply within two weeks; we are still waiting.

News reports indicate that an unknown number of AC-130J “Ghostrider” and AC-130 Stinger II gunships, built jointly by Lockheed Martin and Boeing, also provided air support to U.S. and Afghan government ground troops. Among the munitions carried by the AC-130J is the 250-pound GBU-39 GPS guided bomb, produced by Boeing, as well as the GBU-69, 36-pound laser-guided bomb produced by Leidos. The Stinger II also carries the GBU-39 and the AGM-176 Griffin air-to-ground missile, built by RTX/Raytheon; the missile uses laser, GPS and radio guidance and can change course in mid-flight. Both aircraft types are equipped with 30 mm cannons made by General Dynamics and 105 mm howitzers, produced at the U.S. military’s Rock Island Arsenal. Both aircraft types are believed to use targeting cameras produced by RTX/Raytheon.

Finally, MQ-9 Reaper drones manufactured by General Atomics (used in the killing of the pine nut farmers) also took part in the final air assault on Afghanistan, carrying Hellfire missiles and GBU-12, 500-pound Paveway bombs, all manufactured by Lockheed Martin.

The last horrific act of the final U.S. bombing campaign in Afghanistan came on August 29, 2021 with the Reaper drone killing of 10 members of the family of Zemari Ahmadi, seven of them children.

The attack was unique in the history of U.S. drone attacks in Afghanistan because the slaughter happened not in a remote part of Afghanistan as with thousands of other such attacks, but in Kabul, the nation's capital, right before the eyes of the world's press, who had come to witness the humiliating departure of the U.S. military after 20 years of violent occupation. The attack was conducted by at least one U.S. Air Force MQ-9 Reaper drone, and a CIA Reaper, all manufactured by General Atomics.

Because of the intensive investigative work of the press, particularly the *New York Times*, the Pentagon was forced to investigate the killings itself and to acknowledge that the military had made a huge blunder. But the Pentagon's investigation report, made public only through Freedom of Information efforts by the *Times*, and the video tape of the attack, leave key questions unanswered.

At one point, the Pentagon documents say that information justifying the Ahmadi attack included "signal intelligence," but there is nothing about the type of signal intelligence, or its quality. Was it an intercepted cell phone message; was it clearly heard? Nor does the report say who was collecting and analyzing the intelligence or what equipment was involved.

It appears that a reference to the person responsible for the decision to target Mr. Ahmadi was censored. Major General Christopher T. Donahue, commander of the 82nd Airborne Division and in charge of providing security at the Kabul airport, said in a September 7, 2021 statement that he "concurred" with advice to authorize the Ahmadi attack. "I was briefed by [redacted] team that they had high confidence the driver was part of an ISIS-K cell preparing to launch an attack on the airport." He also said that at no time did he expect the attack would result in harm to civilians.

Finally, the Pentagon report does not talk in any detail about the obvious problems related to the lack of clear images of those targeted and those in the surrounding area coming through the drone cameras, which we believe were manufactured by RTX/Raytheon. The report merely says that "trees and courtyard overhang limited visibility angles, and video quality obscured the identification of civilians in or near the courtyard prior to the strike."

At another point in the report, a U.S. military affiliate, apparently operating a drone video camera at the time of the incident, testified that after the attack, "I conducted a hasty review and noted movement within the compound walls, but was unable to determine the age or gender of any personnel due to a lack of quality in the [video] feed and a requirement for my attention to remain on the active mission."

The Pentagon report of the Ahmadi family killings is typical of published Pentagon investigations of civilian casualties in that it does not discuss technical failings that have cost civilians their lives, failings known to the military and weapons manufacturers. A *New York Times* report on civilian casualties of the U.S. air attacks notes, "Military officials often speak of

their “over the horizon” long-range surveillance capabilities. But the documents repeatedly identify deficiencies in the quality and quantity of the video footage guiding intelligence.”

Yet, we can find no evidence that the offending equipment has been taken out of service, or that attacks which use it are discontinued, as would be the case were the equipment to put U.S. military personnel in jeopardy. Indeed, Lockheed Martin, Boeing, RTX/Raytheon and General Atomics lobby Congress to keep money for weapons flowing, however flawed.

As an example, General Joseph Dunford, whom we mentioned earlier, was possibly valued by Lockheed Martin not only because of his military contacts and his air war experience in Afghanistan while he was Chair of the Joint Chiefs of Staff. The Project on Government Oversight reports that as Commandant of the Marine Corps, General Dunford gave a key approval that enabled Lockheed to continue full production of its F-35 fighter jet in spite of the plane’s poor test performance. Joseph Dunford joined the Lockheed Martin board in 2020, four months and 11 days after his retirement from the Marines. A Lockheed Martin press release noted, “General Dunford’s service to the nation at the highest levels of military leadership will bring valuable insight to our board.”

In concluding our evidentiary narrative on Afghanistan, we see U.S. military leaders and U.S. weapons makers Lockheed Martin, Boeing, RTX/Raytheon and General Atomics marching in lockstep, mutually dependent, over the bodies of suffering people, lacking any accountability.

We see the Afghan people being treated by this monstrous corporate collective simply as nameless creatures that can be killed or wounded without regard to their civilian status. Their right to life and personhood is quickly diminished when placed against billion-dollar weapons contracts. Profits over people, dividends over dignity, all become part of the corporate mission statement of these merchants of death.

OPERATION CAST LEAD: GAZA

Since 2007, the Gaza Strip has been under a severe regime of closures and restrictions on the movement of people, goods, and services as a result of Israel's border closing of the area. Necessities of life such as food, medical supplies, fuel, electricity, and repair and construction materials were, and remain, in drastically short supply.

According to the 2009 United Nations report "Fact-Finding Mission on the Gaza Conflict," Gaza's economy has been systematically depleted, the health sector beleaguered, and the population made dependent on humanitarian assistance for survival and for the basics of daily life. Since 2007 periodic mortar firing and shelling has occurred between both Israel and the Palestinians. In 2008, a truce was negotiated but soon violated.

This was the situation in the Gaza Strip when the Israeli armed forces launched their offensive Operation Cast Lead in December 2008. Israel, it must be noted, has historically been the largest recipient of U.S. military aid and U.S. weapons. Without U.S.-made weapons, Israeli attacks on civilian sites in Palestine could not occur with such frequency.

On December 27, 2008, the Israeli military deployed its navy, air force and army against the people of Gaza. The offensive included two main phases, the air phase and the air-land phase. It lasted from December 27, 2008 to January 18, 2009. The Israeli offensive began with a week-long air attack using U.S.-made F-16 Fighter jets and AH-64 Apache attack helicopters striking numerous civilian buildings such as Gaza government offices, homes, hospitals, and 24 police stations.

The army was responsible for the ground invasion, which began on January 3, 2009, when Israeli ground troops entered Gaza from the north and east. The Israeli navy shelled the Gaza coast during the operations. The assault injured over 5,300 people and killed 1,383 Palestinians, of whom 333 were children. Israeli forces destroyed the homes of over 3,400 Palestinian families and left thousands of civilians homeless and physically impaired. According to the UN's Fact-Finding Mission on the Gaza Conflict, missiles fired from Apache helicopters targeted civilians and civilian infrastructure on numerous occasions over the course of the assault. Amnesty International documented the use of Hellfire missiles to kill children and medical staff in Gaza.

According to Amnesty International, there is evidence that Israel used DIME weapons in Operation Cast Lead. DIME weapons are dense inert metal explosives carried by Hellfire missiles made by Lockheed Martin, having enormous energy. They release micro-shrapnel with the capacity to kill and injure large numbers of people nearby. According to a report published by the United Nations Human Rights Council, Israeli forces deliberately targeted civilian objects and failed to take precautions to minimize civilian casualties, thereby violating international law.

In addition to using DIME weapons, Israel was also found to have been illegally using white phosphorus on civilians, a jellied munition similar to napalm which burns human flesh to the bone.

The Israeli armed forces launched numerous attacks against buildings and persons connected to Gaza authorities, including the Palestinian Legislative Council building and the Gaza main prison. Both buildings were destroyed and could no longer be used. The United Nations Mission found that the attacks on those buildings constituted deliberate attacks on civilian objects in violation of the rule of international humanitarian law whereby attacks must be strictly limited to military objectives.

The UN Mission examined attacks against six police facilities, four of them during the first minutes of the military operations on December 27, 2008, resulting in the death of 99 policemen and nine members of the public. Overall, the approximately 240 policemen killed by Israeli forces constitute more than one sixth of the Palestinian casualties. The circumstances of the attacks seem to indicate, and the Government of Israel's July 2009 report on the military operations confirm, that the policemen were deliberately targeted and killed on the ground that the police are, in the Government of Israel's view, part of the Palestinian military forces in Gaza.

On January 15, 2009, the field office compound of the United Nations Relief and Works Agency for Palestine Refugees in Gaza City came under shelling with high explosive and white phosphorus munitions. The UN Mission noted that the attack was extremely dangerous, as the compound offered shelter to between 600 and 700 civilians and contained a huge fuel depot. The Israeli armed forces continued their attack over several hours despite having been fully alerted to the risks they created. The Mission concluded that the Israeli armed forces violated the requirement under international law to take all feasible precautions in the choice of means and method of attack with a view to avoiding or minimizing incidental loss of civilian life, injury to civilians and damage to civilian objects.

The UN Mission examined the mortar shelling of al-Fakhura junction next to a United Nations Relief school, which at the time was sheltering more than 1,300 people. The Israeli armed forces fired at least four mortar shells. One landed in the courtyard of a family home, killing 11 people assembled there. Three other shells landed on the street, killing an additional 24 people and injuring as many as 40.

According to the UN Mission, the firing of at least four mortar shells to attempt to kill a small number of specified individuals in a setting where large numbers of civilians were going about their daily business, and where 1,368 people were sheltering nearby, does not meet the test of what a reasonable commander would have determined to be an acceptable loss of civilian life for the military advantage sought. The UN Mission thus considered this attack to have been indiscriminate, in violation of international law, and to have violated the right to life of the Palestinian civilians killed in these incidents.

Operation Cast Lead is just one example of the U.S. and U.S. weapons manufacturers supplying billions of dollars in weapons to the Israeli armed forces, which then uses them in violation of international and humanitarian law against civilian populations in Gaza. The result is enormous profit for Lockheed Martin, Boeing, RTX/Raytheon and General Atomics, and death and destruction for the people of Gaza. The four defendants in this Tribunal know the result of their

weapons sales to Israel since those atrocities are covered routinely in the media and are outlined by human rights groups, as we have just discussed.

This Tribunal interviewed retired Air Force Lieutenant Colonel and professor of history William Astore. Here is what he had to say about whether weapons manufacturers knew their products killed innocent people.

Interviewer: And, you believe that the weapons manufacturers are aware that the products they produce are killing non-combatants?

Professor Astore: Yes, I mean, you would have to be blind not to know that. In fact, I would go further. One of the interesting aspects of being in the military is that you see a lot of footage. I remember going to rah rah meetings where we would see camera footage of Hellfire missiles, or other guided missiles, hitting targets. And, you know you see people just being blown up on screen. Of course, It was typically infrared. It wasn't visceral, which made it worse, it made it more like a video game, right? But, if I'm not mistaken...I don't go on Youtube to watch these things...but I think there's a lot of videos available on Youtube showing American attacks using various missiles and guns from AC-130 gunships and so on, and, unfortunately, a lot of people see this stuff. It's sort of like, I guess you would call it 'war porn', in a way. And, they get excited by it. It's like we see it as a video game. And, we see it as wiping out, I guess, the 'other,' you know, the enemy, the other. We don't see them as human beings, and it's one of the great weaknesses of human nature, I guess, that under the force of indoctrination and propaganda and fear and all the rest, that we watch this stuff, and we develop these weapons to kill without thinking of the victims as people who are, who are, just like us.

In 2014, Israel, using U.S.-supplied weapons, launched yet another assault on Gaza, targeting homes, hospitals and schools, killing over 2,200 Palestinians, including more than 500 children. In partnership with the Institute for Middle East Understanding, Just Vision, and DSP, five videos were created exposing this 2014 assault and its aftermath. The first video explored the attack on a Palestinian public hospital. During this same 2014 invasion, a Palestinian preschool was also attacked by Israeli armed forces. These attacks against Palestinian civilian sites using U.S.-made weapons continue to the present day, including in the recent devastating assaults in Jenin.

When the Cold War ended in 1991, the U.S. public believed they would finally benefit from what was then called a 'peace dividend.' The great sums of money spent on war would finally be spent on lifting the quality of life for all. But that 'peace dividend' failed to happen. Instead, the U.S. war industry participated in creating the 'forever wars,' beginning with Iraq and extending to the enormous military support of countries like Israel. Arming Israel plays a pivotal role in perpetuating these 'forever wars.'

For years Israel has been the top recipient of U.S. military and economic assistance. The most commonly cited figure is \$3 billion a year. Israel is so devoted to U.S. military hardware it has the world's largest fleet of F-16s outside the U.S., currently possessing more than 200 jets.

Another 102 F-16s are on order. U.S. military aid has helped transform Israel's armed forces into one of the most technologically sophisticated militaries in the world.

Lockheed Martin's presence in Israel dates back to the early 1990s. Lockheed Martin Corporation is the world's largest defense contractor by sales volume, and in April 2014 it was announced that they would be forming a new technology-based partnership and subsidiary based in Israel. The Israeli subsidiary known as Lockheed Martin Israel Ltd registered with the Israeli Corporations Authority in August 2014 and became primarily concerned with cybersecurity issues, information technology, data analytics, and cloud storage. In addition to this collaboration, Lockheed also sells military equipment to Israel including the F-35 Joint Strike fighter jet and the C130J Military Transport Airplane.

Israel and U.S. manufacturer RTX/Raytheon jointly developed a GPS-guided mortar in the wake of the 2006 Lebanon war, which went into production in Israel in 2008. Israel acknowledged using them in a January 6, 2009, strike that killed 43 Palestinians outside a United Nations school being used as a shelter. The IDF also admitted to using white phosphorus shells in that attack.

Amnesty International found remnants of air-delivered munitions - ranging from 20mm cannon, Hellfire and other missiles fired from helicopters and unmanned drones, to large fragments of laser-guided and other bombs dropped from F-16 warplanes, as well as pieces of rocket motors, circuit boards and other electrical components of the missiles. Fragments from these bombardments are all over Gaza - on the streets, in school playgrounds, in hospitals and in people's homes. Fragments from one 500-pound bomb contained the inscription "For use on MK-82 fin guided bomb" with traceable markings indicating that the fin was produced by Raytheon.

In its frequent military offensives against Gaza, the Israeli military uses Raytheon's 5,000-pound GBU-28 "bunker buster" and laser-guided Paveway bombs, made by Lockheed Martin, as well as AGM-65 Maverick air-to-ground missiles, made by Raytheon, AIM-9X missiles, made by Raytheon, and AIM-120 Sidewinder missiles, also made by defendant Raytheon. These missiles and bombs are typically fired or dropped by the Israeli Air Force's F-16 and F-35 fighter jets, the F35 being made by Lockheed Martin.

Even after the start of Operation Cast Lead and reports of serious violations of international humanitarian law by the IDF in Gaza, U.S. authorities continued to authorize large consignments of U.S. weapons to Israel, including white phosphorus munitions.

Since the U.S. government and its co-conspirators in the U.S. weapons industry — RTX/Raytheon, Lockheed Martin, Boeing, and General Atomics, among others — will not stop the slaughter of innocents, it is up to the citizenry to envision and enact a new world based on mutual respect for peoples and nations, an understanding of our limited resources which must be shared, and for the limited time we have left in which to accomplish these goals.

SYRIA

The official rationale for U.S. military involvement in Syria repeatedly changed depending on the moment, the president, or simply what sounded best to the American people. What allegedly began as military support to factions trying to oust Syrian President Bashar al-Assad quickly moved to the rationale of combating ISIS.

Shane Bauer, a reporter for *Mother Jones* who has traveled to Syria several times since 2009, neatly sums up U.S. involvement in Syria:

American involvement in Syria has been as fragmented and volatile as the conflict itself. Official policy has gone from demanding that Assad step down to allowing him to stay in power as the opposition has grown weaker and groups hostile to the United States have flourished. The Obama and Trump administrations backed opposing armed factions.

The CIA has spent billions in Syria, one of its costliest covert operations since it backed the Mujahideen against the former Soviet Union in Afghanistan. Operation Inherent Resolve, the Pentagon's campaign against ISIS, has launched more than 19,280 airstrikes and cost \$54 billion in Syria alone. Our SDF allies (the Syrian Democratic Forces) control a large portion of the country's oil and natural gas reserves, much of it seized with help from US coalition planes. Meanwhile, the United States and Russia have fought a proxy war against each other while simultaneously aligning themselves against the common enemy of ISIS.

As demonstrated in reports by groups including Amnesty International and Airwars, it was a poorly orchestrated military campaign that resulted in the deaths of countless innocent civilians and caused extensive damage to the country's infrastructure.

As one example, in February 2022, at least 13 people, including six children, were killed during a United States special operations forces raid in a Syrian rebel-held province. The overnight raid had targeted a building in Atmeh, a densely populated town in northwest Syria near the Turkish border, where tens of thousands of people displaced by the country's decade-long war live. A Syrian resident told Al Jazeera, "We woke up at 1 am to the sound of helicopters ... and then at around 3 am we heard a barrage of attacks.... We saw a house that was targeted and damaged roads, but we still have no idea what was going on." Residents said the helicopters were hovering over the building for more than two hours before attacking it. The U.S. special forces then carried out a landing operation and stormed the house.

Despite the U.S. rationale of combating ISIS in Syria, several media outlets have alleged that a different reason lay behind the U.S.' involvement in the country, one that comes straight from the corporate American playbook: oil. Since U.S. military operations in Syria began, U.S. oil companies have siphoned off billions of dollars of Syrian oil in the northern province while denying the Syrian government the control or finances over this oil production as they try to rebuild their country. The United States is simply taking Syrian oil, and the U.S. military is serving as a privatized corporate police force enabling it. This is the same playbook the U.S. used

in Iraq: invade the country, claim freedom as the justification, then take their oil. Billions of dollars in oil for U.S. fossil fuel companies, billions of U.S. taxpayer dollars spent on the U.S. military making it happen, countless innocent civilians killed. All to enrich Big Business.

More evidence of this “War for Oil” rationale exists in the reports about a U.S. military base protecting a Conoco facility in Al-Omar oil field, Syria. Delta Crescent Energy LLC shows siphoning of natural gas from Syria to Iraq has occurred to the tune of \$111 billion, according to Arabic media news services.

The Bush administration’s legal justification for military intervention in Syria was based on an expansive reading of the post-9/11 congressional authorization that allowed President George W. Bush to use military force against Al Qaeda, the Taliban, and other terrorist groups directly connected to the attacks. In the following decades, the Bush, Obama, and Trump administrations have cited the statute to justify military action not only in Afghanistan and Pakistan, but in Iraq, Yemen, and Somalia. Including Syria under this authorization was a stretch: ISIS was not part of Al Qaeda.

The Tabqa Dam is proof of just how vicious the weaponry unleashed by the U.S. against Syria was and the immense devastation it could cause. According to the *New York Times*, near the height of the war against the Islamic State in Syria, a sudden series of explosions rocked the country’s largest dam, a towering, 18-story structure on the Euphrates River that held back a 25-mile-long reservoir above a valley where hundreds of thousands of people lived.

The Tabqa Dam was a strategic linchpin and the Islamic State controlled it. The explosions on March 26, 2017, knocked dam workers to the ground and everything went dark. Witnesses say one bomb punched down five floors. A fire spread, and crucial equipment failed. The mighty flow of the Euphrates River suddenly had no way through, the reservoir began to rise, and local authorities used loudspeakers to warn people downstream to flee.

The Islamic State, the Syrian government and Russia blamed the United States, but the dam was on the U.S. military’s “no-strike list” of protected civilian sites, and the commander of the U.S. offensive at the time, then Lieutenant General Stephen J. Townsend, said allegations of U.S. involvement were based on “crazy reporting.”

In fact, members of a top-secret U.S. Special Operations unit called Task Force 9 had struck the dam using some of the largest conventional bombs in the U.S. arsenal, including at least one BLU-109 bunker-buster bomb designed to destroy thick concrete structures. They had done it despite a military report warning not to bomb the dam, because the damage could cause a flood that might kill tens of thousands of civilians. This is yet another example of the kind of total war the U.S. unleashes on other countries when it possesses such weapons of mass destruction.

The city of Raqqa was just one of many Syrian cities suffering enormous destruction from the war. Before the conflict with the Islamic State, Raqqa was Syria’s sixth-largest city with a population of 250,000 - 300,000. Raqqa was the first large Syrian city and provincial capital to fall to armed opposition groups during the crisis and subsequent conflict which had engulfed the country since 2011. By July 2013 Islamic State (sometimes referred to as ISIS, hereafter Islamic

State) had established a powerful presence in the city and by that year's end it had taken full control following a power struggle with other armed groups. The city remained under Islamic State control until the summer of 2017, when the joint U.S. Coalition-Syrian Democratic Forces military campaign to oust them was launched.

Amnesty International and other sources demonstrate that U.S. Coalition forces failed to live up to their rhetoric in targeting Islamic State, ending up terrorizing and killing civilians who had little or no affiliation with them. According to an Amnesty International report, the four month military operation to oust the armed group calling itself Islamic State from Raqqa, the Syrian city which they had declared its capital, killed scores of civilians, injured many more and destroyed much of the city. Homes, private and public buildings and infrastructure were reduced to rubble or damaged beyond repair. Residents were trapped, as fighting raged in Raqqa's streets between Islamic State militants and Kurdish-led Syrian Democratic Forces fighters, and the U.S. Coalition's air and artillery strikes rocked the city. As Rasha Badran, an airstrike survivor, said, "I don't understand why they bombed us... Didn't the surveillance planes see that we were civilian families?"

Shortly before the military campaign, U.S. Secretary of Defense James Mattis promised a "war of annihilation" against Islamic State, signaling an increase in intensity in the U.S. Coalition's military campaign against the group. The impact on civilians was devastating. According to Amnesty International, Coalition forces did not take adequate account of civilians present in the city and failed to take the precautions necessary to minimize harm to civilians and civilian objects.

Raqqa has been described as "the most destroyed city in modern times." Some 11,000 buildings were destroyed in the fight to capture it. Despite a Coalition made up of over 70 nations, the only countries to conduct airstrikes on and around Raqqa were the U.S., Britain and France. The U.S. Coalition launched tens of thousands of strikes on Raqqa during the military campaign.

Overall, the U.S. coalition is estimated to have killed thousands of Syrian civilians, not only through carpet bombing, but artillery-delivered white phosphorus as well. According to Steve Goose of Human Rights Watch,

This multi-purpose munition should never be used as an incendiary weapon to attack personnel or material in populated areas, even when delivered from the ground. No matter how white phosphorus is used, it poses a high risk of horrific and long-lasting harm in crowded cities like Raqqa and any other areas with concentrations of civilians.

The munitions used by U.S. Coalition fighters in Syria were manufactured by U.S. companies, including the four defendants currently standing trial before this Tribunal:

The F/A 18 Hornet fighter jet is manufactured by Boeing.

The M1156 guiding kits fitted to 155mm artillery rounds were made by RTX/Raytheon.

The M777 howitzers fitted to 155mm artillery rounds were made by Lockheed Martin and BAE Systems; High Mobility Artillery Rocket Systems (HIMARS) with GPS-directed 227mm rockets were made by Lockheed Martin.

The A-10 ‘Warthog’ ground assault aircraft were joined by Reaper armed drones made by General Atomics. The B2 and B-52 bombers were made by Boeing.

The F-15 and F-16 fighter jets are made by Lockheed Martin.

In total, the U.S. war industry produced a massive amount of weaponry, killing countless Syrian civilians. As Senior Enlisted Advisor to the Joint Chiefs of Staff, Sergeant Major John Wayne Troxell noted, the U.S. “fired more rounds in five months in Raqqa than any other Marine artillery battalion since the Vietnam War.” To put all that artillery in monetary terms for the American taxpayer footing the entire globe-spanning U.S. war bill, the United States spent more last year on defense than the next 10 nations combined.

Corporate titans like Dave Calhoun, the Boeing CEO who in August 2024 submitted his resignation, profit immensely from such public spending. In March 2023, Boeing’s annual filings revealed that Calhoun received a base salary of \$22.5 million in 2022 with an extra stack of shares worth some \$15 million. These corporate CEOs have been lining their pockets accordingly. In 2021, the most recent year with complete statistics, the nation’s top five weapons makers — Lockheed Martin, Boeing, RTX/Raytheon, General Dynamics, and Northrop Grumman — paid their top executives \$287 million.

And all along, U.S. media outlets play hand in glove with these war merchants, perpetuating a one-sided pro-war, profit-making narrative. This Tribunal interviewed renowned author and journalist Norman Solomon, who spoke to the relationship between U.S. media outlets and the war industry:

As if this squandering of U.S. resources were not enough, a disturbing addendum to U.S. military intervention in Syria is the fact that with so many U.S.-made weapons flowing into Syria, many were lost to the black market and ended up in the wrong hands. This is typical of U.S. military interventions. Between 2004 and 2005, it lost track of nearly 200,000 guns in Iraq.

And so, human rights advocates worry what will happen to all this weaponry when American troops withdraw from Syria. If recent history is any indication, arms paid for by U.S. taxpayers will play a violent and deadly role in the region long after U.S. forces come home.

SOMALIA

Human suffering, civil war, ocean pirates, and famine: this is what most people associate with Somalia. Once labeled the Switzerland of Africa because of its uncanny ability to remain neutral and peaceful amongst warring Africa nations, Somalia has in recent decades suffered a steady and yet preventable fall into chaos and misery. Its land and people, so rich in history and heritage, struggle to survive as they find themselves in the geopolitical crosshairs of the world's most powerful warmaking nations.

Located in the Horn of Africa, Somalia is the African country with the longest coastline, stretching almost 2,000 miles along the Indian Ocean, the Gulf of Aden, and the Red Sea. Its location has turned Somalia into a strategically important trading center. It has one other fatal flaw for any impoverished, unstable country, one that places a large target on its back: it is potentially rich with oil. Oil has drawn the attention of the world's great power to Somalia. Vast oil reserves are thought to exist beneath Somalia's coastline. It now lies in the vortex of geopolitical powers, fossil fuel companies, corporate greed, and American militarism.

For an example of the incestuous relationship between money, oil and the U.S. military, one need only look to John D. Harris, Director at ExxonMobil. Prior to sitting on the Board of ExxonMobil, Harris was CEO of Raytheon Technologies, one of the four corporate defendants charged in this Tribunal with War Crimes and the second largest weapons manufacturer in the world. The incestuous workings of these predatory capitalists were highlighted by Colonel Lawrence Wilkerson in his interview with the Tribunal.

International oil companies including Chevron, ExxonMobil and Shell began exploring in Somalia in the 1950s but left when the country erupted in civil war in 1991. Today, the Houston-based oil and gas company Coastline Exploration is leading a renewed charge, having acquired seven offshore blocks from Somalia's federal government in 2022. "I think the potential is there for multiple tens of billions of barrels, recoverable, or even more over time," CEO of Coastline Richard Anderson said. Hassan Sheikh Mohamud, President of Somalia, remarked, "This agreement highlights that Somalia is open for business and international investment after the conflict that has blighted the country for so many years. Coastline clearly sees significant opportunity in Somalia and we share its vision."

Moreover, Coastline hopes to discover multiple offshore oil fields, estimating that approximately 100,000 barrels of oil a day will flow from each discovered field. The U.S. company has invested over \$50 million in Somalia, underlining its long-term commitment to developing the country's offshore energy industry. Meanwhile, ExxonMobil and Shell were said to be considering a return to Somalia. In March 2020, the petroleum ministry agreed on an initial road map with the two companies.

There is a problem, however, for U.S. oil companies desirous of these profits. A burgeoning oil sector and new ports could be targets for al-Shabaab militants who control large tracts of Somali land. The United States military is consequently being used as a private corporate

police force to protect these corporate assets for billion-dollar fossil fuel companies. U.S. taxpayer dollars and the lives of U.S. soldiers are deployed to enrich the bottom lines of the world's oil companies. Drill baby, drill, as long as the U.S. public pays for it and the U.S. military does the dirty work. Echoes of famed U.S. war veteran and truth-teller Smedley Butler can be heard: "The U.S. military is a gangster for capitalism."

On February 2, 2020, at 8:00 in the evening, a family of five was sitting down to dinner in the city of Jilib, in Somalia's Middle Juba region, when an air-dropped weapon — likely a U.S. GBU-69/B Small Glide Munition with a 16-kilogramme warhead — struck their home. The oldest daughter, 18 years old, was struck in the head by a heavy metal fragment from the bomb and killed instantly. The strike also injured her two younger sisters, aged 12 and seven, as well as their grandmother. According to Amnesty International, which investigated the attack, the bomb was likely carried by an AC-130J gunship made by Lockheed Martin. This particular bomb will soon be integrated into the GQ-9 Reaper drone made by General Atomics.

The girls' father, a 50-year-old farmer who was in the house during the strike, described the attack to Amnesty International: "I never imagined it was going to hit us. I suddenly heard a huge sound. It felt like our house had collapsed... The sand and the smoke filled my eyes," he said. No American or Somalian government officials have contacted the family, via phone or other means, to offer compensation or medical assistance.

The nephew of the grandmother injured in the attack was an editor at a state-run news agency. When he heard the news that his cousin's family was hit by the airstrike, he used his government connections to try to find out what happened. Somali officials referred him to the United States Africa Command's (AFRICOM) statements on the attack, which declared that one terrorist was killed in the strike. The next day, he raised his concern for his family at a communications workshop in Mogadishu, publicized on Twitter.

Mohamed Osman
@MohamedOsma4 · Follow

Very sad to learn that an airstrike on Sunday evening killed my brother-in-law's daughter, and injured two of his daughters and his mother who is also my aunt and my mother-in-law in Jilib town, 380 KM south of Mogadishu. surprised to those saying no civilian casualties!#Somalia

3:43 PM · Feb 3, 2020

45 Reply Share

Read 11 replies

GRAPHIC: #US airstrike hit #Jilib town on Feb 2.#AFRICOM claimed killing 1 #AlShabaab fighter & no civilians harmed. But locals reporting 3 civilian casualties, all women.

- 17-yr-old, Nurto Kusow, killed
- 15 yr-old, Fatima Kusow, injured
- 70-yr-old, Khadija Mohamed, injured pic.twitter.com/MNjJcZ50bV

— Morad News (@MoradNews) February 4, 2020

and attended by officials from the Federal Government of Somalia and members of AFRICOM. When he asked why they were giving out the incorrect information that al-Shabaab was targeted in an airstrike in Jilib when in reality it was his cousin's daughters who were injured and killed, an American official offered condolences and then quickly changed the subject.

In a press release on the day of the strike, AFRICOM claimed to have killed “one (1) terrorist,” with no civilian casualties. Amnesty International presented evidence to AFRICOM of civilian casualties in this case and received no substantive response to the allegation.

On February 24, 2020, in the middle of the afternoon, a Hellfire missile made by Lockheed Martin was launched during a U.S. drone strike, hitting the Masalanja farm north of Jilib in Somalia, killing 53-year-old Mohamud Salad Mohamud. He was a prominent businessman, banana farmer, and the Hormuud Telecommunication Company's office manager. He left behind eight children and a wife.

The younger brother of the victim told Amnesty International that he rushed to the farm immediately. He described to Amnesty International what he saw at the scene of the attack:

When we arrived at the farm, we saw blood all over the place, especially near the irrigation canal and near the banana trees. His body was cut into pieces. I recognized his face and his left leg. I collected the pieces of his body parts and flesh and put them into a sack. It was just shocking. Two planes were still hovering over us as I collected the remains of his body.

Amnesty International's weapons experts reviewed a video of the scene of the attack, identifying fragments of an American AGM-114 Hellfire drone missile made by Lockheed Martin.

In a press release on the day of the strike, AFRICOM said it carried out an airstrike in the vicinity of Jilib and claimed to have "killed one (1) terrorist." Similarly, the Somalia government issued a statement the same day saying the strike "killed one al-Shabaab militant."

This Tribunal interviewed Brandon Bryant, former U.S. military analyst and sensor operator, of the MQ-1 Predator drone made by General Atomics. Here is what Brandon had to say about the efficacy of attacking combatants with drone warfare.

Interviewer: And so the surgical precision that you're referring to is the drone is capable of firing a missile and hitting a specific piece of ground but not necessarily the correct target as an enemy combatant; is that correct?

Brandon Bryant: Correct. And so the flaw...we've seen how clear these videos have been in the Ukrainian conflict. So image quality isn't the factor here, you know, it's the decision-making process between utilizing, like, who is an enemy combatant, what is nefarious activity. Because the technology is terribly precise, and that is the terror of it. People think that we just willy-nilly shoot off at groups of people. But, that's only the perceived image. [The decision to launch a missile is based on] what constitutes nefarious activity. Under the legal definition, what is nefarious? Anything that you that you don't understand happening, what you don't make sense of, like you've got people who don't understand culture, sitting in other parts of the world, sitting in America, being able to leave and go everyday back home, interacting with a completely different culture on the other end of the lens, they're making decisions on what is nefarious activity through a soda straw.

In response to these U.S. attacks on civilians, Abdullahi Hassan, Amnesty International's Somalia Researcher, said, "Nothing can excuse flouting the laws of war. Any U.S. or Somalia government response to al-Shabaab attacks must distinguish between fighters and civilians and take all feasible precautions to avoid harm to civilians."

In one key example, on April 1, 2018, a U.S. airstrike hit a vehicle driving from El Buur, north of Mogadishu. Just over a year later, AFRICOM publicly admitted that the strike had killed a woman and young child. It was its sole admission of civilian casualties in an air war in Somalia that has lasted over a decade. Despite the family of the victims of this strike contacting the U.S. Mission to Somalia in April last year, neither U.S. diplomatic staff nor AFRICOM reached out to them to offer any support.

In the first three months of 2020 alone, U.S. forces conducted a total of 32 airstrikes in Somalia, according to the monitoring group Airwars. This was double the pace of 2019, when AFRICOM conducted a record 63 strikes in the country. The escalation continues today. U.S. airstrikes in Somalia increased 30 percent in 2022 as the Biden administration increased U.S. military involvement and air attacks.

On March 18, 2019, Abdiqadir, Mahad Nur Ibrahim and Ibrahim Mohamed Hirey were traveling towards the hamlet of Abdow Dibile from the village of Muuri, Lower Shabelle, in a white Toyota Surf SUV. They had been visiting their farms that day, as they often did, and were returning to their respective homes in Mogadishu. Between 3 and 4 pm, when the vehicle was approximately 750 m north of Abdow Dibile, it was hit and destroyed by a bomb launched by a U.S. aircraft. All three men were killed.

A friend described to Amnesty International what the scene of the attack looked like when he arrived, and how he identified the two victims whose bodies remained at the scene. On arrival, he found Ibrahim Mohamed Hirey's body cut into pieces and lying near the wreckage, after local people had removed him from the back of the vehicle. Amnesty International reviewed photographs that appear to show Ibrahim's burnt head and torso. A distant cousin of Abdiqadir and Mahad explained that the families of the men received no support from the Somali or American government after losing their loved ones. Amnesty International interviewed family members, neighbors, and colleagues of the victims, all of whom unequivocally stated that the men were not members of al-Shabaab.

All 11 people Amnesty International spoke to were adamant that the three men were civilians. "He was not al-Shabaab" a relative of Mahad Nur Ibrahim explained. "He owned a truck and he transported charcoal to Mogadishu. Al-Shabaab banned charcoal business in Leego and Lower Shabelle so he was not doing much in the past two years. He wanted to invest in the farms with the help of his brother, but both were killed while coming back from the farms."

In a U.S. Pentagon press release published on March 19, 2019, since deleted, AFRICOM stated that on the previous day, March 18, 2019, U.S. forces conducted an airstrike "in coordination with the Federal Government of Somalia's continued efforts to weaken al-Shabaab." AFRICOM claimed it had assessed that three "terrorists" were killed in the strike. It went on to confirm, however, "we are aware of reports alleging civilian casualties resulting from this airstrike. As with any allegation of civilian casualties we receive, U.S. Africa Command will review any information it has about the incident, including any relevant information provided by third parties."

According to media reports, AFRICOM was presented with the contact details of the family in May 2019. Amnesty International wrote to AFRICOM on August 29, 2019 presenting details of the allegation that the three victims of the attack were civilians and seeking its response. AFRICOM replied with a standard denial.

Interviewer: What is the reaction of other drone operators in the room when that kind of event occurs, when a target is hit but there are obviously civilians who are also killed?

Brandon Bryant: Every shot that I have been a part of, and every debriefing that I have been a part of, it's usually like a celebratory thing. None of our guys were hurt, you know, that's the practicality of it. Whenever anyone talked about civilian casualties, they weren't civilian casualties, they were collateral damage or marked as combatants because they were either military aged males, or, undetermined. They definitely tried to avoid...we called women and children's call-sign designation was "ravens and crows." If

you know anything about mythology or the after-effects of the battlefield, ravens and crows have a very special place of picking the corpses of the dead. And, in mythology, they carry the souls of the dead to the afterlife. And so, that's what they labelled women and children in those scenarios, ravens and crows.

The description by AFRICOM of those killed in May 2019 attack as “members or affiliates of al-Shabaab” is concerning. As Amnesty International explains in depth in its March 2019 report, *The Hidden US War in Somalia*, the U.S. military appears to be applying an overly broad concept of who is targetable. According to the International Committee of the Red Cross, individuals suspected of membership in armed groups must not be targeted on the basis of “abstract affiliation, family ties, or other criteria prone to error, arbitrariness or abuse.” AFRICOM’s response to Amnesty International suggests that U.S. forces may have targeted these men on the basis of criteria that do not conform to the requirements of international humanitarian law. Amnesty International’s concern about the arbitrary nature of targeting based on supposed al-Shabaab membership is compounded by the reference to targeting on the basis of the vague notion of “affiliation.”

It is instructive, and heartbreaking, to juxtapose the suffering of these victims against Brandon Bryant’s testimony regarding the callous and cold-blooded pursuit of corporate profit in drone warfare.

Interviewer: Do the drone operators ever communicate either up the chain of command or to weapons manufacturers’ representatives that an improvement in the quality or technology or camera technology would reduce civilian casualties?

Brandon Bryant: Ah, I’m not sure if that was ever on their minds, honestly. It was more about being more efficient in the killing process than protecting others.

Interviewer: Do you recall executives, representatives from any weapons manufacturers briefing you or anything of that nature?

Brandon Bryant: When I actually first got in we had Raytheon take over the contract from General Atomics because they won the contract. And, they actually came in and talked to us several times about improvements, like, we had a simulator. We paid millions of dollars for this, but we could have actually gotten three pilots together and an Atari and they could have built something from scratch that was better than what we got from them. And, even when we got the UI update that made the aircraft seem more like an aircraft rather than, um, a Microsoft flight simulator. I mean even a Microsoft flight simulator was better than what we got afterwards. They took out features that we didn’t actually specify to keep, because we didn’t actually request to keep them in, and then they had us pay millions of dollars to get those lines of code put back in. So, for them, it was just, you know, they’re just merchants. Their whole goal was to sit and dry the United States’ coffers.

Interviewer: Did Raytheon executives, in their presentation and discussions with active duty personnel ever talk about the concern over civilian casualties?

Brandon Bryant: No. I never heard a thing about concern of civilian casualties until I got out and started reading about reality that everyone else was seeing.

Based on Amnesty International's findings, the organization fears that the term "affiliates of al-Shabaab" may be used by the U.S. military to describe any military-aged male who is unfortunate enough to be in the vicinity of a suspected al-Shabaab fighter at the time of a U.S. strike. This would be an unlawful practice that could amount to targeting civilians who are not directly participating in hostilities. In the context of a non-international armed conflict, only individuals who are directly participating in hostilities may lawfully be targeted. Direct attacks against the civilian population and individual civilians not directly participating in hostilities are prohibited and constitute war crimes.

As Abdullahi Hassan, Amnesty International's Somalia Researcher, says,

It's bad enough that the US Africa Command appears not to know who its airstrikes are actually killing and maiming in its secretive war in Somalia. But it's reprehensible that AFRICOM offers no way for those affected to contact it and has failed to reach out to the families of victims after its version of events was called into question in this case.

And in the words of Brian Castner, Amnesty International's Senior Crisis Advisor on Arms and Military operations,

The civilian death toll we've uncovered in just a handful of strikes suggests the shroud of secrecy surrounding the US role in Somalia's war is actually a smokescreen for impunity. Our findings directly contradict the US military's mantra of zero civilian casualties in Somalia. That claim seems all the more fanciful when you consider the USA has tripled its air strikes across the country since 2016, outstripping their strikes in Libya and Yemen combined.

In one case, a U.S. military airstrike in farmland near the village of Darusalaam killed three local farmers in the early morning hours of November 12, 2017. They were resting in the open after working well into the night digging irrigation canals. At 3 am the airstrike targeted them without warning. The blast sent other farmers scrambling for cover and woke residents of two nearby villages. Villagers who went to recover the bodies at first light described the men's horrific injuries. Two of the men were badly disfigured. A large ordnance fragment entered the first man's forehead, collapsing his skull; his forearms were blown backward and nearly torn off, except for a thin flap of skin. The second man's face, throat and chest were pockmarked by multiple ordnance fragments. The third man had a large wound on his side, and a small blow to his head, just above the right eye.

As in the other cases Amnesty International investigated, multiple local residents identified the victims as civilians and not al-Shabaab fighters. They also concluded from ordnance fragments that the bomb indisputably came from a GBU-69/B Small Glide Munition. This type of weapon can only be launched from the U.S. Air Force's AC-130 aircraft, a gunship most often used in close air support of infantry, not in isolated airstrikes.

For Somalians affected by U.S. airstrikes, there has been little, if any, chance of obtaining justice. It is near impossible to even report the killing or injury of family or community members, given the location of these attacks and the security risks associated with doing so.

According to Ella Knight, Military, Security and Police Researcher at Amnesty International,

The US government must ensure investigations into all credible allegations of civilian casualties are carried out, with accountability for those responsible for violations and reparation made to the victims and survivors. Both the United States and Somali governments need to put an end to the lack of transparency and must do more to enable affected communities to self-report civilian casualties — without this, justice is likely to remain elusive.

This War Crimes Tribunal asserts that as long as justice remains elusive for Somalia civilians, it will remain elusive for citizens everywhere.

IRAQ

The Tribunal was presented with compelling evidence on how the four Tribunal defendants played a significant role in destroying the country of Iraq, killing hundreds of thousands of civilians and ruining the lives of millions of Iraqis for years to come. The goal of the four defendants was to control the world's fifth-largest proven oil reserves, representing nearly 9% of the world's oil.

However, before we dive into the horrific details of the 2003 invasion of Iraq it is important to examine the events leading up to the war — the previous attempts, successful or not, that led to Iraq becoming a war-ransacked territory seen by Western government and weapon manufacturers as nothing but a profit mine. The 2003 invasion was not the first time that Western governments sought to control Iraqi oil through aerial bombing.

For many in the United States, and the world, the Iraq War began in March 2003 with the massive U.S. bombing of Baghdad and other Iraqi cities that became known as Shock and Awe. But the war began much earlier than that. On August 2, 1990, Iraq's army under President Saddam Hussein launched an attack on neighboring Kuwait. Weeks later, Hussein had annexed Kuwait and pronounced it Iraq's 19th province. Four days later, the United Nations Security Council swiftly responded to the invasion by placing on Iraq the most comprehensive economic sanctions ever imposed in modern history.

These sanctions directly punished Iraqi society's most vulnerable: the elderly, the sick, the poor and, in tragically increasing numbers, the children. In October 1990, U.S. President George Bush asserted that the United States would never stand by and let a larger country swallow a smaller country. This was ironic because the U.S. had recently invaded Grenada and Panama and, as the president spoke, the U.S. military pre-positioned at three Saudi ports hundreds of ships, thousands of aircraft, and millions of tons of equipment and fuel in preparation to invade Iraq.

Noam Chomsky notes that there were diplomatic alternatives to the bloodletting and destruction visited upon Iraq by the U.S.-led invasion designated Operation Desert Storm. Iraqi diplomats had submitted an alternative plan which was suppressed in the mainstream media and flatly rejected by the Bush Administration. The U.S. State Department, along with Margaret Thatcher's government in the United Kingdom, were hell-bent on moving ahead with their war plans. "This was no time to go wobbly," UK Prime Minister Margaret Thatcher famously warned Bush.

When the United States launched Operation Desert Storm against Iraq, Kathy Kelly was a member of the Gulf Peace Team. The group consisted of seventy-three people from fifteen countries, aged twenty-two to seventy-six. Their tent encampment was in Iraq, close to the border with Saudi Arabia, along the road to Mecca.

Their mission was to nonviolently interpose themselves between the warring parties. In this capacity, they witnessed the dismal onset of the air war at 3 am local time on January 17, 1991, huddled under blankets, hearing distant explosions, and watched anxiously as war planes flew

overhead. With so many fighter jets crossing the skies, they wondered if there would be anything left of Baghdad.

Ten days later, Iraqi authorities told them to prepare for an evacuation to Baghdad. Buses arrived the following morning. They arrived safely but witnessed many signs of carnage along the route. Another evacuation was happening as Iraqi forces, many of them young conscripts — hungry, disheveled, and unarmed — poured out of Kuwait along a major highway, later called “the Highway of Death.”

Boxed in by U.S. forces, many Iraqis abandoned their vehicles and ran away from what had become a huge and dangerous traffic jam. Iraqis attempting to surrender were stuck in a long line of Iraqi military vehicles. They were systematically slaughtered by U.S. aircraft. “It was like shooting fish in a barrel,” said one U.S. pilot of the air attack. Another called it “a turkey shoot.”

Days earlier, on February 24, U.S. Army forces buried scores of still-living Iraqi soldiers in trenches. According to the *New York Times*, Army officials said “the Iraqi soldiers who died remained in their trenches as plow-equipped tanks dumped tons of earth and sand onto them, filling the trenches to ensure that they could not be used as cover from which to fire on allied units that were poised to pour through the gaps.”

Following Operation Desert Storm, the bombing war turned into an economic war, which lasted through 2003. As early as 1995, United Nations documents clarified that the economic war, waged through continued imposition of UN economic sanctions against Iraq, was far more brutal than the worst of the 1991 aerial and ground war attacks. In 1995, two Food and Agriculture Organization scientists estimated that more than half a million Iraqi children under age five had likely died due to economic sanctions.

In February 1998, while visiting a hospital in Baghdad, Kathy Kelly watched two friends from the United Kingdom trying to absorb the horror of seeing children being starved to death because of policy decisions made by the U.S. and the UK. Martin Thomas, himself a nurse, looked at mothers sitting cross-legged, holding their limp and dying infants, in a ward where helpless doctors and nurses tried to treat many dozens of children. “I think I understand,” said Thomas. “It’s a death row for infants.” Milan Rai, now editor of Peace News, at the time the coordinator of a UK campaign to defy the economic sanctions, knelt next to one of the mothers. Rai’s own child was close in age to the toddler the mother cradled. “I’m sorry,” Rai murmured. “I’m so very sorry.”

But in spite of the suffering they had brought upon the Iraqi people, the United States and Britain were not finished: Saddam Hussein and his national oil company remained in control of how much oil Iraq pumped, and at what price. Another occupation was soon planned. Shock and Awe, technically known as ‘rapid dominance,’ is a military strategy based on the use of overwhelming destructive power to paralyze the enemy's perception of the battlefield and destroy their will to fight. That’s exactly what Iraqis suffered in 2003. Not only a politically unacceptable attack, but an inhumane destructive attack that resulted in far more collateral damage than any Western government could account for.

The scheme to invade Iraq in 2003 was well-planned, and discussed by the United States well before 2000. Although a tangible action was not taken until after September 11, 2001, it was apparent that attacking Iraq was one of Bush's main colonial foreign policy goals. The rationale for invading Iraq as a response to 9/11 has been widely questioned, as there was no cooperation between Saddam Hussein and al-Qaeda.

Still, on September 20, 2001, Bush addressed a joint session of Congress, announcing his new "War on Terror." This announcement was accompanied by the doctrine of "pre-emptive" military action, later termed the Bush Doctrine. Bush began formally making his case to the international community for an invasion of Iraq in his September 12, 2002 address to the United Nations General Assembly.

International Atomic Energy Association inspectors returned to Iraq. As of February 2003, the IAEA "found no evidence or plausible indication of the revival of a nuclear weapons program in Iraq"; the IAEA concluded that certain items which could have been used in nuclear enrichment centrifuges, such as aluminum tubes, were in fact intended for other uses.

But of course, this documented and agreed upon fact was conveniently ignored by the Bush Administration.

BAGHDAD

On February 5, 2003, U.S. Secretary of State Colin Powell addressed the United Nations General Assembly, continuing U.S. efforts to gain UN authorization for an invasion. His presentation to the UN Security Council contained a computer-generated image of a "mobile biological weapons laboratory." However, this information was based on claims of Rafid Ahmed Alwan al-Janabi, code-named "Curveball," an Iraqi emigrant living in Germany who later admitted that his claims had been false.

Opposition to the invasion coalesced in the worldwide February 15, 2003 anti-war protests that attracted between six and ten million people in more than 800 cities, according to the Guinness Book of World Records the largest such protests in human history. But the plan and ongoing negotiations to destroy Iraq succeeded, and Bush officially announced the war. For months before Shock and Awe, Iraqis braced themselves for the anticipated U.S. bombardment.

The media buildup for the U.S.-led attack assured Iraqis that barbarous assaults were looming. Kathy Kelly was once again living in Baghdad at the time, along with other Voices in the Wilderness activists determined to remain in Iraq, come what may. They grew to appreciate Iraqi culture, history and art. They didn't believe their presence could deter the impact of aerial

bombing, but realized the importance of living alongside ordinary people who couldn't escape the anticipated vicious onslaught, people who were clamoring for alternatives to war.

Upon arrival in Baghdad, the team would always head to the Al-Fanar Hotel, which had housed scores of previous delegations. Often, internationals like the members of Voices in the Wilderness were the hotel's only clients during the long years when economic sanctions choked Iraq's economy and erased its infrastructure. But in early March 2003, rooms at the Al-Fanar were quickly filling. The owner invited his family members and some of his neighbors and their children to move in, perhaps hoping that the United States wouldn't attack a residence known to house internationals.

Voices in the Wilderness had organized many dozens of delegations to Iraq since 1996, when they first sent a group to violate the UN-imposed economic sanctions. In August of 2002, Voices launched the Iraq Peace Team, whose members would reside at two Baghdad hotels within walking distance of each other, the Al-Fanar and the Al Dar.

Shortly before the commencement of Shock and Awe, sixteen members of the Iraq Peace Team headed to the border between Iraq and Kuwait to hold a fast and "sit-down." Unfurling a large banner reading "Time for Peace," they sat on the ground in a single horizontal line. While fasting some would sit in white plastic chairs they had brought from Baghdad, along with a tent. The team was close enough to the U.S. soldiers on the other side of the barbed wire fence marking the border for their voices to be heard. Cupping his hands, Charlie Liteky, a purple heart recipient, called out to the soldiers, begging them to take a risk for peace and refuse to invade Iraq. Among the Iraq Peace Team were several U.S. Veterans for Peace, as well as activists from Australia, Ireland, the UK and Iraq.

Parents in Iraq name themselves after their oldest child. Abu Miladah, the father of two small girls, Miladah and Zainab, was the Al-Fanar's night desk clerk. He arranged for his wife, Umm Miladah, to move with their two small daughters into the hotel. Umm Miladah warmly welcomed the team to befriend her children.

When the attacks began on March 20, 2003, Umm Miladah could often be seen uncontrollably shuddering from fear. According to Kathy Kelly's testimony, explosions would rattle the windows day and night causing the Al-Fanar's walls to shake. Ear-splitting blasts and sickening thuds would come from all directions, near and far, over the next two weeks. Kathy would often hold Miladah, who was three years old, and Zainab, her 18-month-old baby sister, in her arms. That's how she realized that they both had begun to grind their teeth without ceasing.

Weeks later, when the bombing ended and the team could finally exhale, realizing they had all survived, Kathy was eager to take Miladah and Zainab outside. She wanted them to feel the sun's warmth, and for the soldiers outside to see these two beautiful little girls. Kathy headed over to their mother, wanting to know if she felt it was all right to step out with her children.

She was seated in the hotel lobby, watching the scene outside. U.S. Marines were uncurling large bales of barbed wire to set up a check point immediately outside the hotel. Beige military jeeps, armored personnel carriers, tanks and Humvees lined the streets in every direction. Tears were

streaming down Umm Miladah's face. "Never before did I think that this would happen to my country," she said. "And I feel very sad. And this sadness, I think it will never go away."

The late NPR reporter Ann Garrels reports in her memoir *Naked in Baghdad: The Iraq War and the Aftermath as Seen by NPR's Correspondent Ann Garrels*,

March 28, 2003: By now I have lost track of what day of the week it is or even what day of the month. I just know that it is Day Nine since the bombing started. The muezzins have now taken the place of air raid sirens, their plaintive cries from the minarets echoing through the night.

Families flood into the al-Noor Hospital. The halls echo with desperate wailing as the people call out their names, hoping to find their relatives alive...The wards are packed. Many of the injured have had to be moved elsewhere. It's impossible to get an accurate count of the dead and wounded. Though a professional, Dr. Ahmed Sufian confesses he's overwhelmed.

"All the floor is covered with blood," he says. "Why, why this blood? Even as a doctor I can't understand such things. This is freedom? I don't know."

And in his account *Night Draws Near: Iraq's People in the Shadow of America's War*, Pulitzer Prize-winning reporter Anthony Shadid reports,

The final days of Baghdad's war [in early April 2003] were the bloodiest, as U.S. troops advanced on the city's suburbs. As is their practice, they deployed overwhelming force, often blurring the line between civilian and military vehicles in the streets. Hospitals overflowed with wounded, and emergency rooms were suffused with hordes of flies and the stench of blood, dirt, and disinfectant. Anesthesia ran short and generators struggled with mixed success to fill the void left by the blackout. At one hospital, refrigerators in the morgue were breaking down, leaving corpses stacked on top of one another to rot in the warming sun.

On April 7, 2003, two days before the U.S. controlled Baghdad, Shadid reported that a Boeing B-1 bomber dropped four 2,000-pound bombs in a neighborhood where U.S. intelligence analysts thought Saddam Hussein was hiding with his two sons:

The scene was one of awesome devastation. At the crater, some neighbors gazed in, their eyes fixed in the absent stare of the weary. A few stood on the periphery, curious. With a sense of duty, others helped the civilian workers trying to recover the bodies. A few of them toiled, uninterrupted for 24 hours, in labor that seemed practiced.

At one point, a shout broke the silence that had fallen across the site. "They found something!" a man called out. "They found something!" Neighbors, more in hope than in expectation, ran to help, some of them stumbling over the rubble. The mauled torso of twenty-year-old Lava Jama was pulled out before they arrived. Moments later, a few feet away, others found what was left of her severed head, her brown hair tangled and matted with dried blood. Her skin had been seared off.

The searchers wrapped both head and torso in white blankets trimmed with blue and left her body against a nearby wall, where hordes of flies soon gathered. Under a withering sun, the shrouded corpse soon faded into the sidewalk's tapestry, another scene in a street already deformed by war.

Sitting in a chair down the road, Lava's mother gave up her vigil at the sight of the discovery. She sobbed uncontrollably into her hands, and then, as more flies gathered on her daughter's dismembered body, she vomited.

The UK-based organization Iraq Body Count estimates that the bombing and ground invasion of Iraq killed 7,186 Iraqis in March and April 2003, the highest number of civilians killed in a two-month period for the entire war.

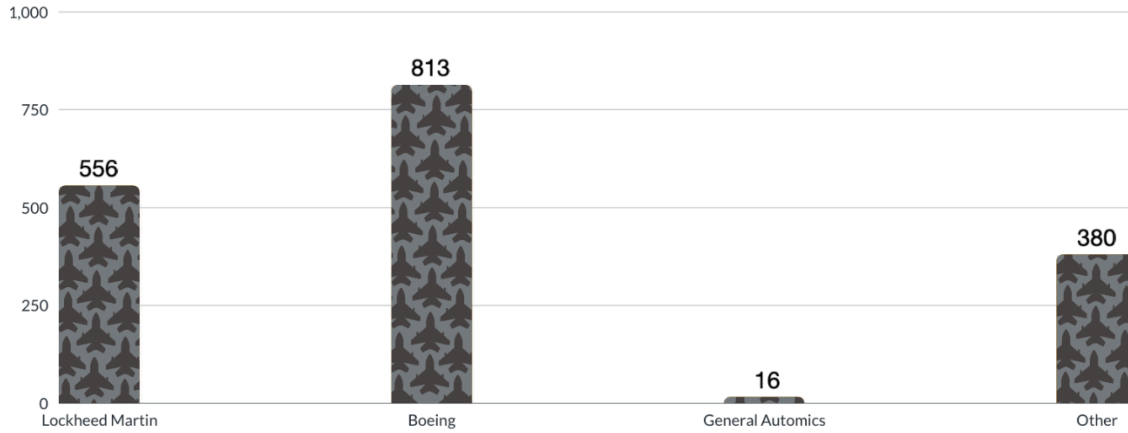
The Shock and Awe air attack alone is estimated by Iraq Body Count to have killed 2,350 Iraqis. But the sheer size of the massive U.S.-British area of aerial attack and the destructive power of the bombs and missiles that were used indicates that many, many more than 2,350 people were killed, maimed, terrorized and chased from their homes by Shock and Awe, a monstrous act that opened Iraq to a wild, uncontrollable epidemic of violence that continues today, even as oil corporations are profiting from the oil being pumped out from under the still-suffering Iraqi people.

The Tribunal now will now examine the massive U.S. air assault on Iraq that started on March 20, 2003, and the total dependency of that assault on aircraft, bombs and missiles produced by Lockheed Martin, Boeing and RTX/Raytheon. We will see too how the decision to undertake wide-spread bombing, and the choice of various bombs and missiles, led to violence and suffering that continues to torment Iraqis today.

On April 30, 2003, Lieutenant General T. Michael Moseley, the commander of the U.S.-led bombing of Iraq, issued a report saying that between March 19 and April 18, a total of just 720 hours, more than 1,500 U.S., British and Australian aircraft carried out more than 20,000 air attacks on the Iraqi people, the nation's electrical grid and other life-supporting infrastructure.

The graph below shows the dominant roles of Lockheed Martin and Boeing in providing aircraft of all types that were used in the bombing and invasion of Iraq, with these two firms providing nearly 80 percent of air attack force during the first month of the war.

Aircraft Deployed by Manufacturer

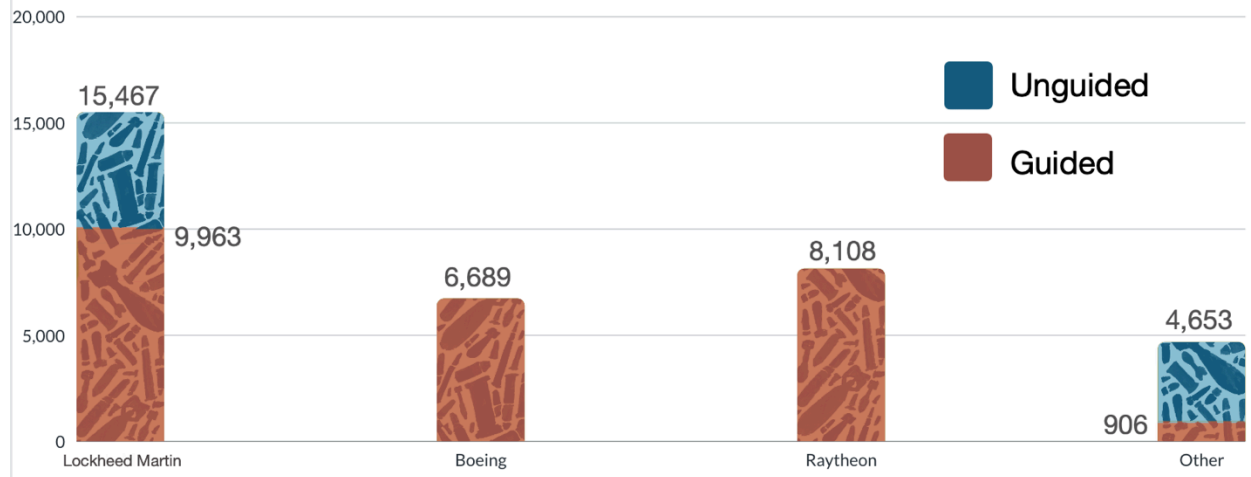


Lockheed Martin, Boeing and RTX/Raytheon were dominant in providing bombs and missiles, including cluster bombs, for the Iraqi assault. From March 19 to April 18, 2003, these three corporations provided more than 85 percent of the 34,917 munitions launched.

MUNITIONS EXPENDED

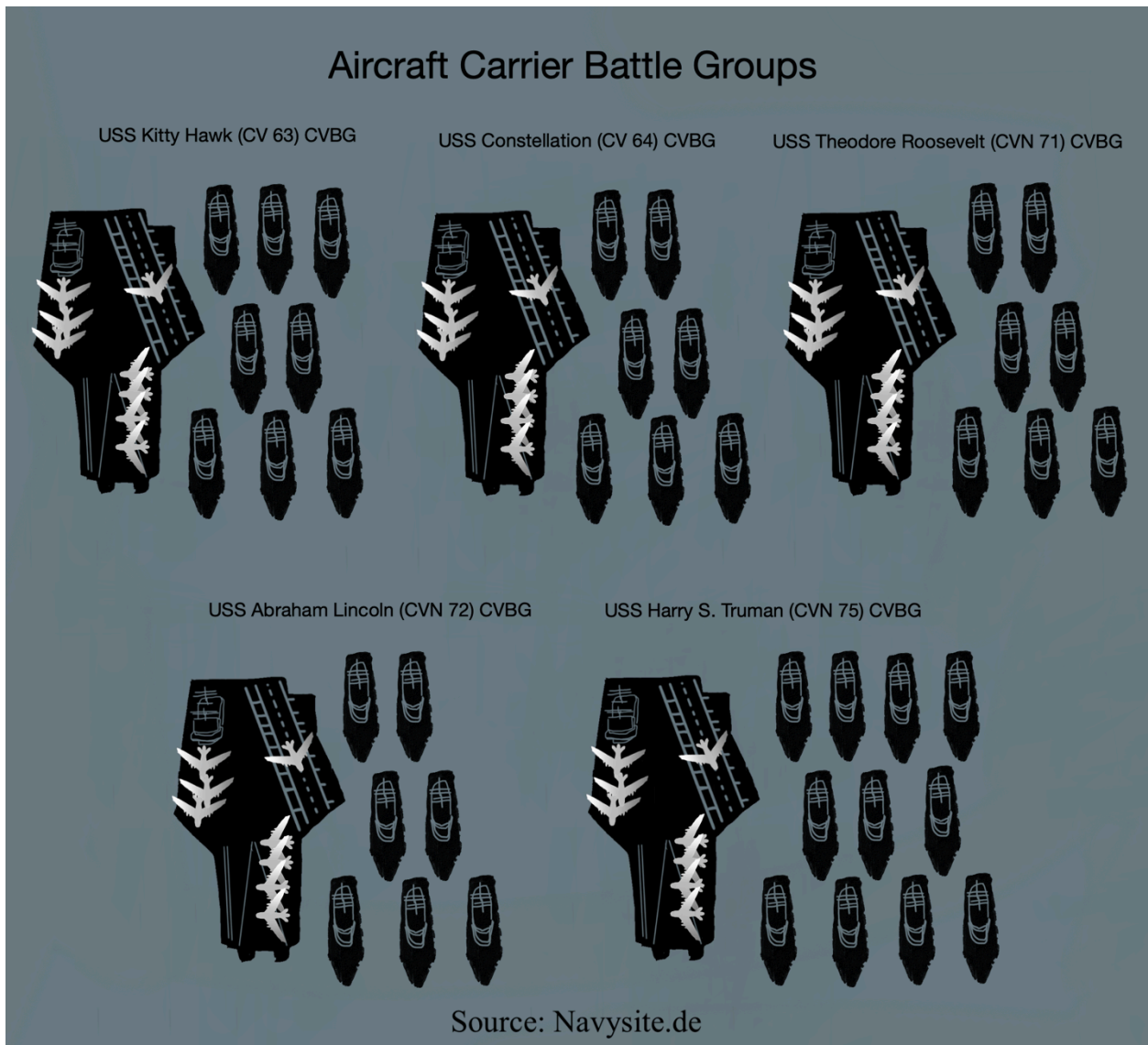
Makers of bombs and missiles launched against the Iraqi people by the U.S. between March 19 and April 30, 2003.

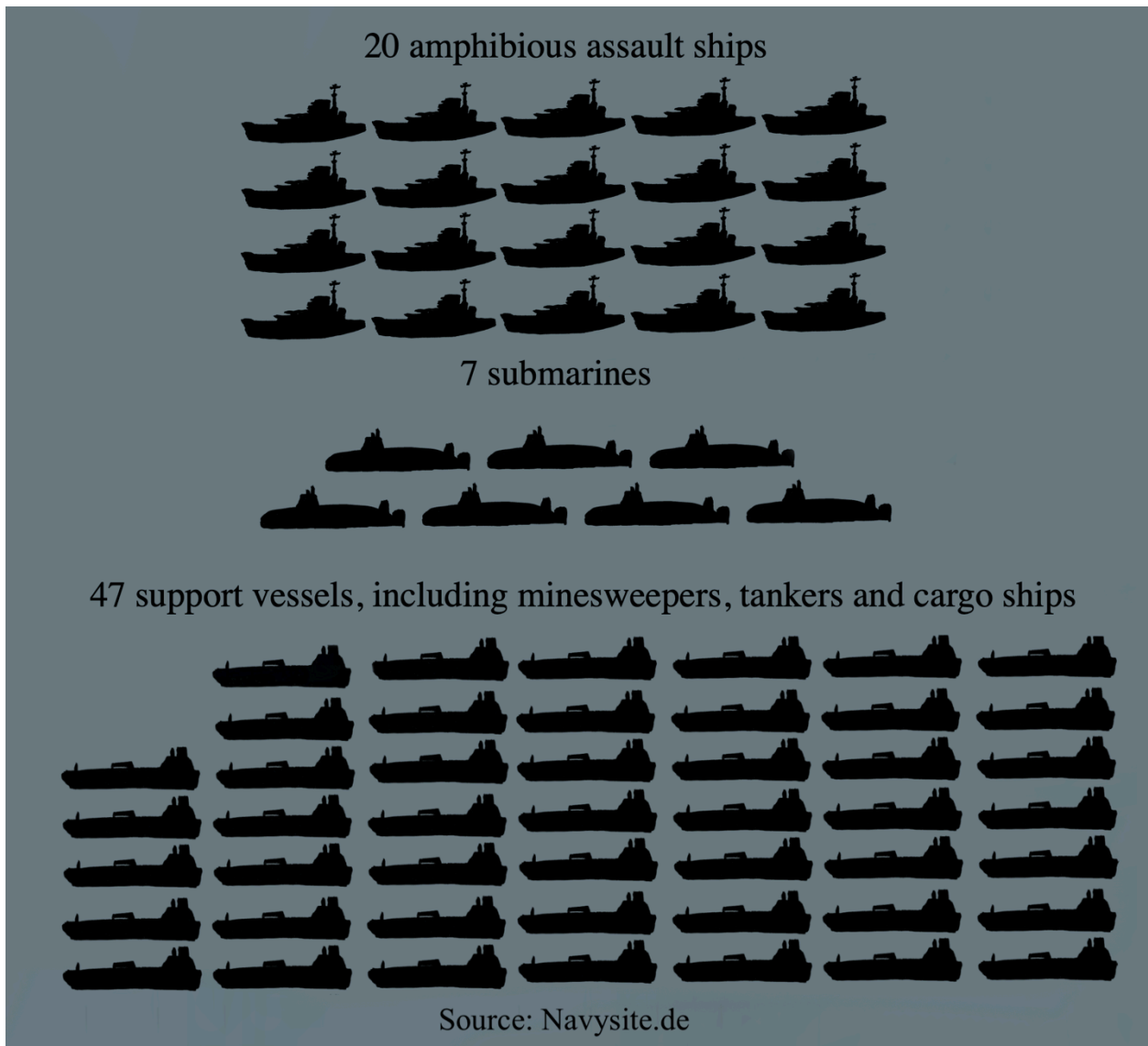
Source: Operation Iraqi Freedom - By the Numbers. USCENTAF



The following graphs show the 117 U.S. Navy vessels that participated in the bombing and invasion of Iraq, including five aircraft carrier attack groups, which among them carried about 460 attack aircraft. Also involved were 20 amphibious assault ships, seven submarines, and 47 other ships, including minesweepers, tankers and supply ships.

It is important to note that Lockheed Martin, Boeing and RTX/Raytheon provide a wide range of communications, navigational, and data processing equipment that enabled the operation of the Shock and Awe armada.





U.S., British and Australian pilots dropped bombs not only in Baghdad (2003 population: 5.6 million); it appears that they bombed in the following major cities as well, not to mention in smaller surrounding communities:

City	Population (in 2003)
Mosul	1,160,000
Basra	850,000
Al-Hilla	617,763

Nasiriyah 560,000
Fallujah 207,000
Tikrit 30,000

The U.S. said at the time of the attack that it was targeting only government buildings, Iraqi military forces and key Iraqi leaders, and that the U.S. wanted to spare civilian lives. This happened to a certain degree. However, as our presentation of evidence of war crimes has shown, the explosive force of guided and unguided bombs such as those widely used in the bombing of Iraq can have an extraordinarily deadly effect for civilians, especially in urban areas.

An International Committee of the Red Cross report notes:

The Mk 82, a general-purpose aircraft bomb containing 89 kilograms of high explosive, is an example of the 500-lb (227 kilogram) class. It creates a powerful blast and can destroy reinforced concrete structures within 16 meters (52.49 feet) of the point of detonation, when using an impact fuse. This 500-pound bomb will temporarily incapacitate one out of 10 personnel at 250 meters (more than two and a half football fields in length).

Most Mk 82 aircraft bombs in contemporary conflicts are guided weapons capable of achieving high precision, but when their large blast-and-fragmentation radius extends beyond the perimeter of the target, it puts civilians and civilian objects surrounding the target at risk of harm. Unguided air-delivered bombs (so-called ‘dumb bombs’) will put a much wider area at risk because of their inaccuracy.

Cluster Bombs

The U.S. and UK also dropped at least 1,208 cluster bombs, each blowing open to eject at least 200 bomblets a piece, each with human-killing explosive power. The cluster bombs were dropped with the knowledge that there had been growing international concern over the use of cluster munitions due to their capacity for generalized killing, not to mention the killing and maiming of people later coming in contact with unexploded bomblets. In 2008, an international treaty banning cluster bombs was approved; the United States and the United Kingdom have not signed the treaty.

Human Rights Watch reports: “In three weeks from March 20 to April 9, 2003, U.S. and UK air forces dropped more cluster bombs in Iraq than they did in Afghanistan in six months.” Those conducting the air attack, it explains, unlike ground forces, made an effort to avoid using cluster bombs in civilian areas. But - “When the Air Force did not avoid populated areas, cluster bomb strikes caused civilian casualties.”

Human Rights Watch offers this example:

Around midnight on April 24, the U.S. Air Force dropped at least one CBU-103 on al-Hadaf girls' primary school in al-Hilla. The attack killed school guard Hussam

Hussain, 65, and neighbor Hamid Hamza, 45, and injured thirteen others, according to Hamid Mahdi, a 30-year-old butcher who lived across the street. The manager of the school said there were dozens of paramilitary troops in the neighborhood at the time of the strike. While the Air Force minimized civilian harm by dropping the bombs at night, the incident shows the dangers of dropping clusters in populated areas.

Nearly two thirds of the cluster bombs that were dropped were CBU-103s, with a guidance system provided by Lockheed Martin. Human Rights Watch describes the bomblets inside the CBU-103s as representing a “triple threat”: “The steel fragmentation core targets enemy troops with 300 jagged pieces of metal. The shaped charge, a concave copper cone that turns into a penetrating molten slug, serves as an anti-armor weapon. A zirconium wafer spreads incendiary fragments that can burn nearby vehicles.”

They go on to report that CBU-103s were dropped on Iraqi military vehicles in a small village near the city of Fallujah, but that two casings and “dozens” of pieces of bomblets from the CBU-103s were found in a chicken farm next to the targeted vehicles. These bomblets were in 78 percent of the cluster bombs that were dropped during Shock and Awe.

The group further notes that the U.S. and UK were also dropping older, unguided cluster bombs that are “highly inaccurate and unreliable.”

Destruction of Electrical Supplies

On April 17, 2003, the *Washington Post* reported that electrical power in Baghdad was lost on April 3 at 8 pm, as the invasion of Iraq and its capital proceeded. The Iraqis blamed the invaders; the invaders blamed the Iraqis. “U.S. military officials have insisted,” the *Post* said, “that coalition forces did not knowingly bomb any significant part of Iraq's electrical infrastructure.”

But that was not true. As just one example, on March 22, two days into Shock and Awe, Human Rights Watch reports that three Tomahawk cruise missiles, manufactured by RTX/Raytheon and armed with BLU-114/B graphite bombs, were dropped onto a key electrical transformer station at Nasiriya. “When these bombs hit the targeted electrical equipment, they explode, and send out huge numbers of tiny filaments...only a few hundredths of an inch thick and can float in the air like a dense cloud.” Entry of these filaments into electrical equipment causes short circuits that can lead to fires and explosions, sending parts of the equipment flying and leaving the equipment ruined.

In the town of Nasiriya, three transformers were destroyed in one electrical station. The next day the U.S. strafed the city’s other main electrical power station, knocking out three more transformers, in addition to gas pipes and the air conditioning needed to cool the electrical equipment, finally shutting the power station down.

As a result, Human Rights Watch reported, the city’s general hospital had to cut non-critical services to treat the war wounded. The hospital director reported that the loss of electrical power had created a water crisis in the city, driving the residents to dig up sewer and water pipes to

procure drinking water. In addition, all water supplies had been contaminated because the electrically-powered purification equipment no longer functioned.

The extent of the graphite bombing is not known, nor is it possible to know how many Iraqis died from lack of hospital care or became ill with water-borne diseases because of the bombing.

Carrying History on His Back

Wafaa Bilal, now a professor at Tisch School of the Arts in New York City, lost his brother, Hajj, when a U.S. aerial attack in 2004 killed him while he waited to pass through a checkpoint. Even before this Bilal had had names of Iraqi cities permanently mapped out across his back in Arabic script. In the 24 hours following the attack they would be barraged by thousands of dots of ink, each representing a casualty of the Iraq war. The dots are tattooed near the city where the person died: red ink for U.S. soldiers, ultraviolet ink for Iraqi civilians, thus rendered invisible unless seen under black light.

Effects of war continue for the 9.2 million people who have been displaced by bombing and chaos, whose livelihoods are irreparably destroyed, and who are now refugees in other countries, separated from loved ones and unlikely to ever reclaim the homes and communities from which they were driven. Within Iraq, an estimated 2.8 million internally displaced people live, according to Refugees International, “in constant fear, with limited access to shelter, food, and basic services.”

For Chelsea Manning, whose brave empathy exposed criminal actions on the part of U.S. warlords complicit in torture, death squads and executions, the war most certainly isn't over. She lives as an isolated war hero and whistleblower. Julian Assange remained in prison until June 24, 2024 for leaking evidence of war crimes committed in Iraq, as did Daniel Hale, imprisoned for revealing fatal flaws in the U.S. killer drone program.

The war may never end for veterans who harbor physical and emotional wounds that will last until they die. On March 19, 2013, the 10th anniversary of the Shock and Awe invasion, members of Iraq Veterans Against the War, joined by the Center for Constitutional Rights and other activist groups, gathered in front of the White House in Washington, D.C. to launch an initiative claiming their right to heal. They called for health care, accountability and reparations, and just as rightfully, they call for our support.

The war also has not ended for Boeing, Lockheed Martin, RTX/Raytheon and General Atomics, who continue to earn record profits from their weapons. In fact, they hope the war never ends. Their business depends on it.

A civilized country would demand heartfelt reparations to the people of Iraq and cease to interfere in their internal affairs, would secure freedom and official praise for whistleblowers like Chelsea Manning, Julian Assange and Daniel Hale and would rapidly begin to liberate itself from subservience to warlords and war profiteers. Gandhi was once asked, “What do you think of western civilization?” Famously, he answered, “I think it would be a good idea.”

FALLUJAH

For those who were watching cable news in 2004, Fallujah may be the most famous city name in Iraq, second only to Baghdad, because, hanging from a Fallujah bridge over the Euphrates River, on March 31, 2004, were remnants of the bodies of U.S. mercenaries.

The atrocity resulted from an attack on four employees of the company at that time called Blackwater who were riding through Fallujah while working for the U.S. occupation. Coming a year after the U.S. invasion of Iraq, the grisly killing could seem by those living outside Iraq to have popped out of nowhere as evidence of Iraqi brutality. “Suddenly,” note the authors of the comprehensive study *The Sacking of Fallujah: A People’s History*, “Fallujah was positioned front and center in the minds of the U.S. public...its residents were now cast as problems that had to be suppressed or eliminated altogether.”

What was not seen by American audiences was that Fallujah, with a population of 300,000, was traumatized by U.S. bombing during the U.S. invasion. The killing of the mercenaries was also preceded by a series of infuriating, violent and deadly incidents at the hands of U.S. occupiers, such as the April 2003 killing of 17 Iraqi protesters and the wounding of 70 more.

Nevertheless, the United States used the deaths of the mercenaries to justify and energize what would become a massive, two-part siege and assault on Fallujah that extended from April to December of 2004 and that was intended not only to clear armed resistance from the city but to serve as an object lesson to all Iraqis opposing the occupation. U.S. political commentator Noam Chomsky noted at the time that Fallujah was a war crime within the larger war crime of the U.S. war of aggression in the invasion and occupation of Iraq.

Lockheed Martin, Boeing, RTX/Raytheon and General Atomics were deeply involved in these devastating sieges and attacks against Fallujah. In providing critical aircraft, surveillance and munitions they enabled a massive war crime against the people of Fallujah. Indeed, this horrific atrocity could not have happened without so-called “close air support.”

The first assault on Fallujah, dubbed Operation Vigilant Resolve, began within four days of the killing of the Blackwater mercenaries. U.S. Marines surrounded Fallujah, sealed off the city and launched attacks. “From the start,” reports military commentator Rebecca Grant, “the hunt for the ringleaders featured air power.” This included attacks on the streets and homes of the city by AC-130 gunships, produced by Lockheed Martin and Boeing, along with bombing by other aircraft.

“Inevitably,” *The Sacking of Fallujah* reports, “the heavy firepower, imprecise weapons and tactics, and intense firefights in largely residential neighborhoods resulted in high numbers of civilian casualties....by the third day of fighting, an estimated 280 civilians had been killed.” The

authors go on to report that gruesome images of the horrible suffering being experienced by Fallujah residents, broadcast by Al Jazeera, caused the U.S. to end its siege.

Another estimate places civilian deaths as up to 600. Between April 5, 2004 when the U.S. offensive began, and April 9 when a ceasefire was declared, five Marines were killed, compared to more than 800 Iraqis, many of whom were killed by U.S. warplanes. By April 29, the U.S. military withdrew to the edges of Fallujah and the city became a center for resistance fighters, including some from other nations.

In Washington, Douglas Feith says in his book *War and Decision*, President George Bush and members of his National Security Council put a hold on further attempts to subdue Fallujah until a new interim government for Iraq was put into place by the U.S. The establishment of this so-called independent government would be used to try to persuade Iraqi government troops to fight on the side of the U.S. to support their “new” government rather than to feel they were fighting against resisters to the U.S. occupation.

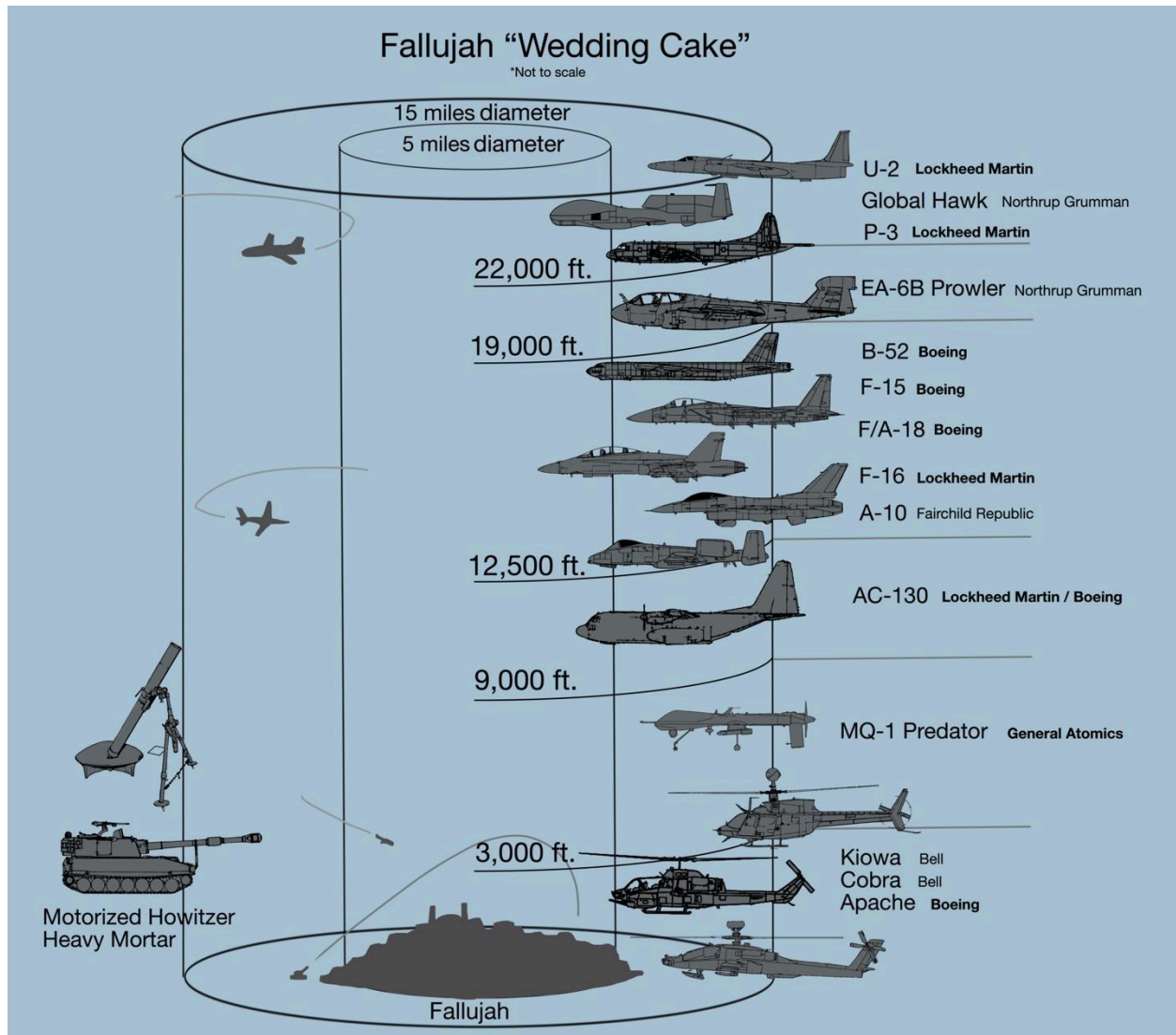
Nevertheless, during this pause, U.S. AC-130 and other aircraft continued attacking Fallujah. Rebecca Grant quotes then Secretary of Defense Donald Rumsfeld in commenting on these attacks: “There were a lot of enemy that died there.” In July, Fallujans held sit-ins demanding compensation for property destroyed in the April assault. Some aid arrived, but Al Jazeera reported that protesters said it was “nothing in comparison to the cost of the damage already inflicted by U.S. warplanes.”

During this pause, the U.S. was also preparing for a much larger assault on Fallujah, Operation Phantom Fury, renamed Operation al-Fajr (New Dawn) because some Iraqi troops were involved and the U.S. wanted to give them cover that they were fighting for their so-called “new” government. The assault was launched on November 7, 2004 with a ground force of 13,500, comprised of troops from the U.S. Marines and Army along with the Iraqi government soldiers. British troops operated on the perimeter of the city to prevent anyone, especially military-aged men, from entering or leaving. The attack would later be called the bloodiest battle that U.S. Marines had fought since another colonial battle, the battle of Hue in Vietnam in 1968.

Anticipating the attack, more than 200,000 Fallujans had left the city, leaving a population of 30,000 to 90,000. Resistance fighters were estimated at 2,000, and possibly slightly more. The battle was launched with tanks and other armor and artillery and soon became a building-to-building onslaught. The assault on the city, about three square miles in area, was enabled by an extraordinary array of airborne weapons. “The skies over Fallujah are so crowded with U.S. military aircraft,” reported the Associate Press, “that they are layered in stacks above the city, from low-flying helicopters and swooping attack jets to a jet-powered unmanned spy drone that flies above 60,000 feet.”

“We call it the wedding cake,” a U.S. air controller officer told the AP. “It’s layered all the way up.”

The “cake” is represented below:



Because of the wide array of bullets, mortars, artillery, airplanes and helicopters filling the air over Fallujah, the Marines organized a system separating various types of aircraft into their own altitude layers within an air cylinder five miles in diameter above Fallujah. Aircraft orbited outside the cylinder, waiting to be called in to respond to constant requests for air support by ground forces. In a Marine Corps report on the air action, a Marine air control officer is quoted as saying: “I tell you what, for like three weeks, it felt like nothing but a continuous faucet, a continuous fire hose of airplanes. I never knew a time in November when I had [troops in a fight] when I didn't get an airplane in about a minute.”

Helicopters, including UH-1Y Venom (Bell-Textron) and AH-1W Cobra (Bell-Textron), CH-46 Sea Knights (Boeing); CH-53 Super Stallions (Lockheed Martin); Apache (Boeing); and Kiowa (Bell-Textron) operated below 3,000 feet.

The space between 3,000 and 9,000 feet was kept clear for mortar and artillery rounds and for MQ-1 Predator attack drones, produced by General Atomics, firing Hellfire missiles, produced by Lockheed Martin.

Fixed wing aircraft operated in airspace above 9,000 feet. AC-130 gunships (Lockheed Martin/Boeing/Raytheon) operated from 9,000 to 12,500 feet.

Attack fighters and bombers flew at altitudes from 13,000 to 19,000 feet. These included: F-15 Strike Eagles (Boeing); F-16 Flying Falcons (Lockheed Martin); A-10 Thunderbolt IIs (Fairchild-Republic); B-52 Stratofortresses (Boeing); F/A 18D Hornets (Boeing); and AV-8B Harriers (Boeing).

Above 19,000 feet were EA-6B Prowlers (Northrop-Grumman) used to jam radar and other electronic battlefield signals. Navy P-3 surveillance aircraft (Lockheed Martin) flew above 22,000 feet along with U-2 Dragon Lady (Lockheed Martin) intelligence-gathering aircraft. Global Hawk drone surveillance aircraft (Northrup-Grumman) also flew in this upper layer.

Air Force Joint STARS aircraft (Boeing) helped spot resistance mortar and rocket launchers threatening U.S. troops. Small Pioneer (Textron) and Hunter (Northrup-Grumman) drones, flying close to the ground, were also used to target resistance fighters.

U.S. aircraft launched Hellfire (Lockheed Martin) and Maverick (Raytheon) missiles against resistance forces. Their destructive force was magnified in the streets and relatively fragile buildings of Fallujah.

The 500-pound GBU-38 JDAM guided bomb (Boeing) “became a top air weapon for use in the urban environment,” reports military commentator Rebecca Grant. “The GBU-38 caused less collateral damage,” Grant says, but even bombs of this power are devastating in urban areas.

Using Boeing guidance systems, U.S. pilots also dropped 2000-pound JDAM bombs on Fallujah.

A Marine after-action report quotes a company commander as saying, at the beginning of the assault on Fallujah, “We sat in the attack position all day, just listening and watching the bombardment. Fallujah was just on fire. It was getting pounded.” The report goes on to quote a U.S. Army surgeon: “It was a really, really big fireworks show. I remember thinking to myself, ‘I’ll never go to a 4th of July fireworks show with the same thoughts ever again.’”

In spite of all the evidence that bombs dropped in urban areas are devastating to civilians, and faced with this evidence in Fallujah, the Marine after-action report asserts:

Ironically, in an urban environment, the discreet use of big bombs, even 2,000-pound [guided bombs], was appropriate. When several bad guys were holed up in a structure and artillery, tanks, or other means of fire support lacked the punch to neutralize them, a big bomb could bring the building down on top of them. On the other hand, there were times when traditional strafing worked best; low-level, high speed passes spattering cannon fire down a street either killed or intimidated.

In addition to the aerial bombing, which reportedly included cluster bombs, the United States used white phosphorus artillery shells against the Iraqi resisters. *The Sacking of Fallujah* quotes a former U.S. soldier who saw civilians killed by the incendiary substance: “Yes...burned bodies, it burned children, it burned women. White phosphorus kills indiscriminately. It’s a cloud that will, within most cases, to 150 meters [approximately 450 feet] it will disperse, and it will burn every human being or animal.”

The Sacking of Fallujah also quotes Muhamad Al-Darraji, former director of Fallujah’s Study Centre for Human Rights and Democracy, describing the effects of white phosphorus: “A rain of fire fell on the city, the people struck by this multi-colored substance started to burn, we found people dead with strange wounds, the bodies burned but the clothes intact.”

In addition to immediate death from being shot, crushed, or incinerated by white phosphorus, Fallujans were also subjected to generations of suffering from exposure to the radioactivity of uranium dust that was generated by the firing of so-called depleted uranium shells, used because their relative weight makes them better able to pierce the armor of tanks and other military vehicles.

The scenes of bombing, rifle and machine gunfire and collapsed buildings were televised evidence of the remarkable level of determination of Iraqi defenders of Fallujah in the face of overwhelming odds. After Marines blew up a house with a 20-pound satchel charge to stop the firing of resistance fighters who had wounded three Marines, they looked for “enemy” fighters who might have been killed. A Marine first lieutenant reports:

We assume everybody’s dead. So, we start to make our way back to the...base. As we’re walking past the house, a hand comes up out of the rubble, and throws a hand grenade at us. Everybody saw the grenade coming, so we were able to scatter. The grenade goes off. The Marines were pretty much in a school circle around the guy, and just unleashed hell on ‘em. Must have shot him about 100 times.

By November 15, the major fighting of Operation Phantom Fury ended, with U.S. troops going from house to house to clear out all resistance. This deadly process continued into December 2004; by late January 2005, most U.S. troops had left the city.

The U.S. reported that by December 23, 2005, when Operation Phantom Fury was declared completed, 95 U.S. troops had been killed and 560 were wounded. Eight Iraqi government troops were killed and 43 were wounded. Four British soldiers died and 10 were wounded. Muhamad Al-Darraji, of Fallujah’s Study Centre for Human Rights and Democracy, estimated that 4,000 to 6,000 civilians were killed in Operation Phantom Fury. Estimates of resistance fighters killed ranges from 1,200 to 5,000; the U.S. Marines estimate 1,000 were captured.

As noted earlier, the relatively short battle for Fallujah has been compared to the 1968 battle for Hue, Vietnam in terms of intensity and bloodshed. In terms of the sheer amount of destruction it might be compared to some of the deadlier bombing in World War II. The chairman of Fallujah’s Compensation Committee reported in March 2005 that 36,000 houses, 9,000 shops, 65 mosques, 60 schools, an extremely valuable heritage library, two bridges, both train stations, two

electricity stations and three water treatment plants were demolished in the fighting. The sanitation system for the entire city was blown up, as well as the communication network.

Independent journalist Dahr Jamail reported:

Fallujah...is now 70 percent estimated to be bombed to the ground, no water, no electricity. People who want to go back into that city have to get retina scans, all ten fingers fingerprinted, then they're issued an ID card. People inside the city are referring to it as a big jail. It is a horrendous situation, and we still have hundreds of thousands of refugees as a result. And the goal of the mission of besieging Fallujah as announced by the U.S. military was to capture the phantom [Abu Musab] Zarqawi and to bring security and stability for the elections, and what's left is a situation where Fallujah is in a shambles, and the resistance has spread throughout the country.

Only 30 percent of the city's original population was reported to have returned by the end of March 2005. In June 2005, 100,000 of Fallujah's former residents were reportedly still unable to return to their homes. Of those who did, Jamail reported, "Most people continue to live in tents, or amid the rubble of their homes."

However, the torment of Fallujans was not to end with their fate of living amid the wreckage of their city and their culture. *The Sacking of Fallujah* notes that in 2005 and 2006, Fallujah began to experience "a dramatic increase in the rates of cancer, stillborn births, miscarriages and birth defects." In 2013, Dahr Jamail reported on Democracy Now on the suffering still at that time being generated by U.S. depleted uranium shells used in the 2004 battles in Fallujah:

Amy Goodman: What did you find as you returned to Iraq this last time, Dahr Jamail, about depleted uranium and its effect on Iraqis?

Dahr Jamail: Overall, the country has seen a massive increase in cancer rates from the 1991 Gulf War up to present, even according to official Iraqi government statistics. In 1991, for example, there were 40 registered cases of cancer out of 100,000 Iraqis. By 1995, four years after that war, that number had jumped to 800 out of 100,000 Iraqis. And then — by 2005, that number had doubled —

Amy Goodman: Dahr, I just want to say, as we show —

Dahr Jamail: — by 2005, that number had doubled —

Amy Goodman: Dahr, as we — as you speak, I just want to say we're going to be showing images, and I want to warn our TV audience. For our radio listeners, if you want to go to the website, you'll be able to see the kind of images that you captured, Dahr, when you were in Iraq. Go ahead. Keep saying what you were saying.

Dahr Jamail: The most recent statistic, I'll end with, before I get into Fallujah. And what these images are showing is that in 2005 we saw 1,600 Iraqis with cancer out of 100,000, so a massive escalation that continues.

And going on to Fallujah, because I wrote about this a year ago, and then I returned to the city again this trip, we are seeing an absolute crisis of congenital malformations of newborns. There is one doctor, a pediatrician named Dr. Samira Alani, working on this crisis in the city. She's the only person there registering cases. And she's seeing horrific birth defects. I mean, these are extremely hard to look at. They're extremely hard to bear witness to. But it's something that we all need to pay attention to, because of the amount of depleted uranium used by the U.S. military during both of their brutal attacks on the city of 2004, as well as other toxic munitions like white phosphorus, among other things.

And so, what this has generated is, from 2004 up to this day, we are seeing a rate of congenital malformations in the city of Fallujah that has surpassed even that in the aftermath of — in the wake of the Japanese cities of Hiroshima and Nagasaki that were — that nuclear bombs were dropped on at the end of World War II. So, Dr. Samira Alani actually visited with doctors in Japan, comparing statistics, and found that the amount of congenital malformations in Fallujah is 14 times greater than the same rate measured in the cities of Hiroshima and Nagasaki in Japan in the aftermath of the nuclear bombings. These types of birth defects, she said — there are types of congenital malformations that she said they don't even have medical terms for, that some of the things they're seeing, they've never seen before. They're not in any of the books or any of the scientific literature that they have access to. She said it's common now in Fallujah for newborns to come out with massive multiple systemic defects, immune problems, massive central nervous system problems, massive heart problems, skeletal disorders, baby's being born with two heads, babies being born with half of their internal organs outside of their bodies, cyclops babies literally with one eye — really, really, really horrific nightmarish types of birth defects. And it is ongoing.

And she — lastly, to really give you an idea of the scope of the problem, is that this is happening now at a massive rate. And she said her being the only person cataloging and registering cases, with no help from Baghdad, who is denying that there's some sort of problem like this in Fallujah — she said that she could probably safely estimate that the number of cases, as high as the rate that she's seeing, could probably be doubled, because so many people are having their babies at home and just taking care of it. You know, most of these babies are being born dead, and then they're not reporting it whatsoever. So, this is an ongoing crisis. And the rate has not increased since last year, but it's not decreased, either. It was still — when I talked to her last year, it was 14 times greater rate of malformations in newborns as compared to the aftermath areas of the nuclear bombings in Japan, and it's the same when I spoke with her about this one week ago.

Given the situation that Fallujans have faced since the U.S. invasion in 2003, it is easy to understand how resistance to the occupation would continue years after Phantom Fury. In June 2007, a U.S.-led operation attempted to suppress resistance by sectioning off Fallujah with barriers to isolate neighborhoods in which resistance was strongest. This was part of a process in which the U.S. turned control of enforcement over to the Iraqi government, enabling the United States to increasingly withdraw, at least militarily, from the area and from Iraq.

By the time of the formal U.S. military withdrawal in December 2011, writes Ross Caputi in *The Sacking of Iraq*, “nearly all Iraqis from all sects and ethnic groups were deeply dissatisfied with the new Iraq and its lack of democracy, disregard for human rights, inequitable economy and poor health conditions.” In December 2012, Iraq’s central government began attacking Fallujans who were peacefully protesting a distribution of benefits increasingly influenced by religious affiliation, corruption, night raids and imprisonment for political opposition.

This assault, which continued into January 2013, resulted in protesters deciding to take up arms against the central government. This violence spread to nearby communities. When the central government could not suppress the rebellion within Fallujah, it sealed the city and began the bombing and shelling. “Over the following two years,” reports Ross Caputi, “more than 3,521 civilians would be killed in Fallujah (including 343 women and 548 children) and over 5,966 wounded (including 840 women and 1,013 children).”

During this period, the Islamic State was able to join forces with the Fallujah resistance and eventually work within a coalition of resisters to take control in Fallujah, and in 2014, in Mosul as well. The stage was set for the next slaughter of Iraqis by U.S. air forces in Mosul.

The aerial bombing of Fallujah, both against Iraqi civilians and unequally armed resistance fighters, quickly became the model for U.S. colonial urban warfare: legally and morally unrestrained destruction of buildings, water, electrical and medical facilities from the air. This strategy was, of course, viewed without objection by the then heads of Lockheed Martin, Boeing, RTX/Raytheon and General Atomics.

THE BATTLE FOR MOSUL

This is a story about the killing of at least 10,000 civilian residents in the city of Mosul, Iraq in 2016 and 2017, and the physical destruction of much of that city. Mosul was Iraq’s second-largest city after Baghdad, an ancient city of great cultural and spiritual importance to Iraq and the world. But for political leaders, oil company executives and other beneficiaries of the status quo in Iraq, the extraordinarily bloody battle for Mosul was a story about ending what was proving to be a very successful attempt by ISIS, soon to be known as the Islamic State, to carve out a new oil nation in the Middle East, plucking oil fields away from Iraq and Syria, and away from these Western corporate profiteers.

Mosul grew from settlements dating back to at least 6,000 BCE, settlements that evolved into the ancient city of Nineveh. By 700 BCE it was thought to be the world’s largest city at the time, with a population of nearly 300,000. Civil wars led to the decline and sacking of Nineveh in 612 BCE. Mosul grew upon its ruins, developing as a trading center and becoming known for producing silks and metalwork.

But, as UNESCO reports, it may be most revered as a “melting pot of diverse cultures and groups, representing Iraq’s pluralistic identity and co-existence among its various ethnic, linguistic, and religious groups. This is because most, if not all, of the various components of Iraq’s society were represented in Mosul.”

“Before the takeover of Mosul in June 2014 by ISIS, and the subsequent battle for its liberation,” UNESCO explains, “the Old City of Mosul was a physical reflection of this diversity due to its abundant shrines dedicated to various religious figures – some of whom are revered by the three monotheistic religions – as well as its numerous, churches, mosques, madrassas and cemeteries.” Weapons and munitions supplied by Lockheed Martin, Boeing, RTX/Raytheon and General Atomics enabled war crimes to occur on a grand scale, including the wholesale killing of civilians and the stunningly widespread destruction of physical structures and public services in Mosul. This Tribunal also considers the observations of a U.S. Army analyst who says that “precision” weapons, such as those made by Boeing and RTX/Raytheon, were not militarily effective in the battle for Mosul, merely vastly destructive.

The Islamic State’s occupation of Mosul began in June 2014 with a surprise five-day assault by just 1,500 Islamic State fighters who easily drove the Iraqi government’s military out of the city, many of whom abandoned their weapons and fled what was still the second-largest city in Iraq, an ancient regional trade hub now merely seen to be rich in oil.

Among the reasons for this surprisingly swift transfer of power in Mosul were actions by the corrupt U.S.-backed central government in Iraq that sought to disadvantage and violently repress Iraq’s minority Sunni population. This, of course, antagonized the majority Sunni population of Mosul and Iraq’s northwest region.

A report commissioned by UK government agencies notes:

Corruption and extortion of the [Mosul] population by the [Iraqi] security forces caused anger and resentment, driving people toward extremist groups like the [Islamic State]. According to polling by an Iraqi market research firm in Nineveh Province [where Mosul is located] 75 percent of residents stated that the police and military interfered with people’s private lives in their neighborhoods.

According to this report, these polls also found that “Insecurity in Sunni areas was significant, economic conditions were deteriorating; and alienation from the Shia-majority government was increasingly widespread.”

The historian Omar Mohammed, who reported on events in Mosul under ISIS occupation as the anonymous blogger Mosul Eye, said the Islamic State began to have influence in Mosul before June 2015, taking advantage of Iraqi government failings and even collecting taxes. “So, ISIS didn’t occupy Mosul in June 2014,” Mohammed said, “it was already occupying the city; June 2014 was simply the announcement of ISIS rule. The Iraqi army left so quickly because it was ready to collapse. I didn’t expect any other result. I would have been more surprised if things took a different direction and there was peace in Mosul.”

Mohammed reported that initially ISIS did a better job of managing city government than the previous administrators. ISIS resolved disputes and made economic investment in centralizing outdoor marketing and assisting farmers. RAND corporation reported that, generally, the level of business activity remained the same under ISIS as it had under the Iraqi government, except that ISIS increasingly had trouble maintaining adequate production of electricity.

More importantly, Mohammed said, ISIS began to brutally enforce repressive rules. “ISIS destroyed the history and heritage of all of Mosul’s communities. They tried to replace it with their own version of history. They forced women into captivity. They banned music. And they imposed new social classes based upon jihadist loyalty.”

They recruited spies in the community, causing people to stop trusting one another. They weaponized history to advance their narrative. Then they took their terror to another level. They displaced Christians, enslaved Yazidis, and killed Shiites as well as Sunnis. ISIS tried to smash the ancient bonds of coexistence between Mosul’s communities. For 4,000 years, Mosul was a city of culture, coexistence, and diverse life. Mosul was a city with a big heart, home to all of its children. The damage caused by ISIS was immense. Life in Mosul came to a halt. Nevertheless, Mohammed reported a significant number of Mosul residents who supported ISIS, having benefited from their reign.

Because of this, along with the Iraq central government’s difficulty in removing the Islamic State from power in Mosul, the U.S.-led coalition’s assault to retake Mosul using Iraqi troops and militias did not officially begin until October 2016, two years and four months after ISIS/Islamic State took over. It is important to note, however, that a continuous air campaign by the U.S.-led coalition against the Islamic State began within weeks of the fall of Mosul. Nearly one year after these attacks began, the UK-based organization Airwars reported, “Despite claims by the U.S.-led Coalition that its airstrikes in Iraq and Syria are ‘the most precise and disciplined in the history of aerial warfare,’ there are clear indications from the field that many hundreds of non-combatants have been killed by the 12 international allies in the first year of their air war against the Islamic State.”

The Airwars report goes on to say that between August 8, 2014 and June 30, 2015, “U.S. aircraft were responsible for some 68 percent (2,022) of all actions in Iraq, with other Coalition partners carrying out a further 962 strikes to June 27th. The UK was the next most active partner, carrying out 226 airstrikes.” Airwars found that the Coalition air attacks first struck rural areas but soon shifted to urban areas that had been seized by the Islamic State, with Mosul being the most heavily attacked location in Iraq.

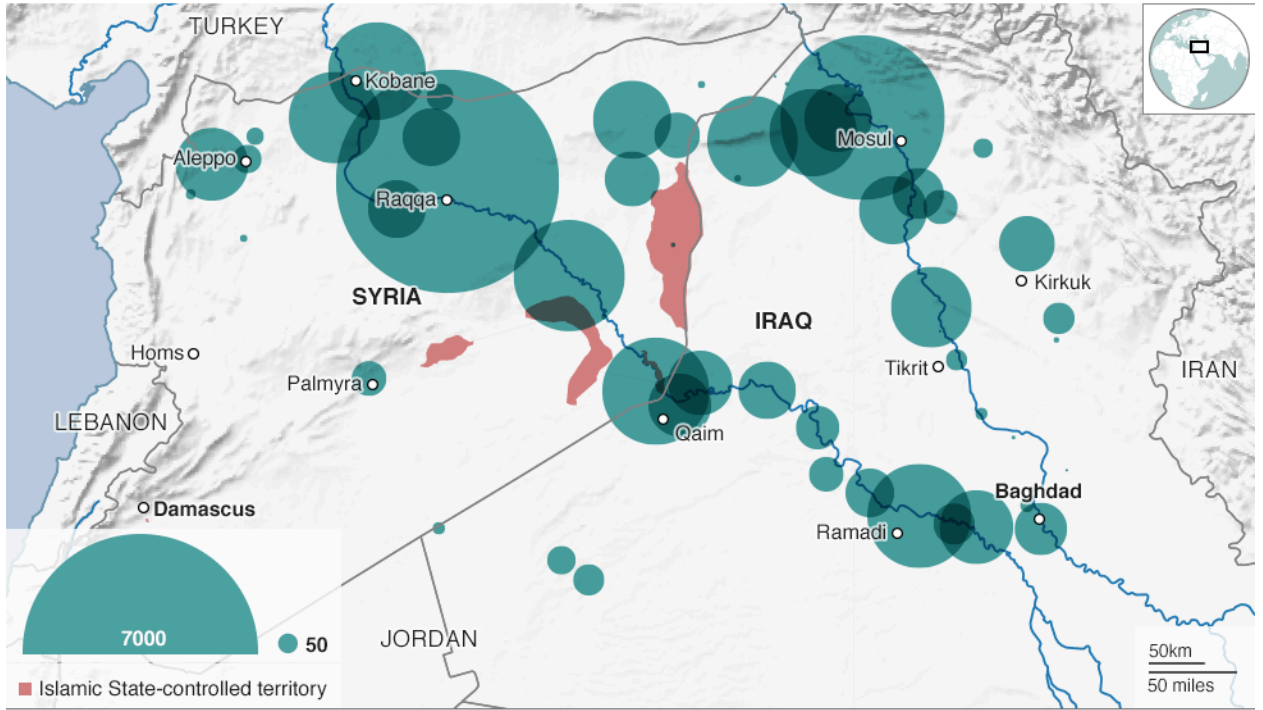
A 2016 report by the U.S.-based Wilson Center found:

A dozen nations have been involved in airstrikes, although the United States has carried out more than seventy percent. The number of airstrikes increased throughout 2015, helping local forces regain control of strategic areas.

In Syria, a Kurdish militia retook Kobani. In Iraq, Iraqi and Kurdish forces recaptured Ramadi, Sinjar, Baiji, and Tikrit. In 2016, the U.S. coalition increasingly targeted the

areas around Raqqa, the ISIS capital in Syria, and Mosul, its stronghold in Iraq. By April 2016, the coalition had conducted more than 11,000 airstrikes, forcing ISIS to retreat from 40 percent of its territory in Iraq and 10 percent of its territory in Syria.

US-led coalition strikes: **IRAQ: 13,315** **SYRIA: 14,660**



Source: IHS Conflict Monitor, 23 Mar 2018



During this period, the Pentagon reported it was investigating charges that the bombing was killing civilians, but there is no evidence of a change in bombing policy reflecting these charges. In April 2016, it was reported that the U.S. had adopted a new bombing policy that allowed for an increase in civilian casualties, a remarkably destructive decision given the level of civilian killings by aerial bombing and missile attacks already experienced in Iraq, Syria and Afghanistan.

The RAND Corporation reported that the U.S.-led coalition started bombing Mosul in January 2016 in “a relatively robust air campaign” that included “deliberate targeting of leadership and financial facilities” as well as industrial areas.

A Pulitzer Prize-winning *New York Times* investigation by Azmat Khan documented the widespread killing of civilians by U.S. air attacks in Mosul in the period leading up to the October 2016 invasion of the city. Azmat Khan was interviewed on Democracy Now to discuss her findings:

Amy Goodman: We begin today’s show looking at how the Pentagon has conducted a vast cover-up of civilians killed in the U.S. air wars in the Middle East. *The New York Times* has published a remarkable two-part series based on extensive reporting on the ground in Iraq and Syria, as well as 1,300 confidential Pentagon reports on civilian

casualties resulting from U.S. drones and other airstrikes. *New York Times* reporter Azmat Khan writes, quote, “The documents lay bare how the air war has been marked by deeply flawed intelligence, rushed and often imprecise targeting, and the deaths of thousands of innocent civilians, many of them children.” The reports directly contradict public claims made by successive U.S. presidents and military leaders. In 2016, then-President Obama claimed the U.S. was waging the most precise air campaign in history.

President Barack Obama: In stark contrast to ISIL, which uses civilians as human shields, America’s armed forces will continue to do everything in our power to avoid civilian casualties. With our extraordinary technology, we’re conducting the most precise air campaign in history. After all, it is the innocent civilians of Syria and Iraq who are suffering the most and who need to be saved from ISIL’s terror.

Amy Goodman: We’re joined now by Azmat Khan, an award-winning investigative journalist, contributing writer for *The New York Times Magazine*. She spent over five years researching the U.S. air wars. As part of her reporting, she visited dozens of different bomb sites in Iraq, Syria and Afghanistan. Part one of her investigation is headlined “Hidden Pentagon Records Reveal Patterns of Failure in Deadly Airstrikes.” And part two is “The Human Toll of America’s Air Wars.”

Azmat Khan, welcome back to *Democracy Now!* Thank you so much for this comprehensive report. I’m wondering if you can start off by telling us the story of Ali Fathi Zeidan and his family.

Azmat Khan: Sure. So, Ali Fathi Zeidan and his family had moved from a town, a village called Wana, which was just south of the Mosul Dam. They left it because there was fighting between ISIS and Peshmerga forces, and they were really looking for anywhere where they could be safe. And that often meant, for many families who were fleeing displacement in 2015, in 2016 — it often meant moving to places where you already had family. And Ali Fathi Zeidan’s daughter was married to a young man whose brother lived in West Mosul, and that’s where they wound up living. They moved into an industrial area in this wheat storage district called Yabisat. And, you know, this was a very large extended family. Ali Fathi Zeidan had many children and grandchildren. And they essentially were unable to afford a nice apartment, but they moved into this kind of storage space, you know, made it home, brought in things to sleep on, brought in a water tank — essentially, you know, tried to get by as best they could during this war. And one night in March of 2016, they were sitting down to dinner, and there was an airstrike. What they didn’t know at the time was that the United States had been surveilling this house and that particular compound or area that the house was located on, believing it to be the site — or that area to be the site of a chemical weapons production facility and other kinds of structures associated with chemical weapons making and dissemination.

And so, what wound up happening is that the intelligence review before the strike was carried essentially had different people weighing in on this target. You know, the actual intelligence for this site may have come from this human source. And as different people

sort of evaluated what they saw, there was one person who was looking at this and saw the intelligence and said, “Listen, I have a bit of a different assessment.” And she was a USAID official who, when she spotted the 10 children that everyone who was reviewing this footage saw, said, “Listen, I don’t think those children are transients,” meaning they’re merely passing through. “I think they may live in or near this target compound.” And the military disagreed. They continued to classify the children as transients, meaning that they believed they could mitigate the potential for the harm to those kids by carrying out the strike at night, when they wouldn’t be outside playing or wherever it was that they had seen them playing, by a stream near the structure, in the target video, in the pre-surveillance video.

And so, you know, shortly after this airstrike, video surfaced online of family members, whom I met many years later — four years later, I believe — who were picking up the bodies of their loved ones and trying to salvage everyone they could. At least 21 people died from that single family alone in this airstrike, and they were civilians. And when that video surfaced online — ISIS often made propaganda videos — it triggered a credibility assessment, in which the U.S.-led coalition took a look at the evidence, reinterviewed this USAID official to try to determine what went wrong. And what they concluded was that there was — you know, that the process and procedures, you know, they did not find any wrongdoing or disciplinary action. In fact, they said they had even taken more measures than necessary to protect against civilian harm. And there really wasn’t the kind of deep unearthing of what happened here.

When I first got this document about this incident, I showed it to somebody, a source in the military. And, you know, he said, “You know what this is, right? This is confirmation bias.” He explained it this way. He said that military officials, they see something that’s called a target or called a chemical weapons production facility, and as it’s being vetted through these chains, they place very high value on that kind of vetting. And at that point, it’s very hard for them to unsee it as anything else other than that particular target. And so, you know, he said that probably this USAID official, who had not been through so many instances of that kind of military analysis that would lead you to believe that these people were targets or that these children were not transients, or whatever it might be, she had the kind of eyes that were clear and an understanding of ground realities to understand what was happening here.

And so, that issue of confirmation bias came up again and again in the more than 1,300 records that I obtained through the Freedom of Information Act of the military’s own assessments. Misidentification, conflating somebody who was a civilian for a combatant was common. And the number one reason why that often happened was that there was confirmation bias at play.

Juan Gonzales: Azmat, I wanted to ask you to put these records and this many deaths in the context of past U.S. wars. It seems to me that the mass killings of civilians have marked all modern U.S. wars.

The killing of civilians during the period studied by Khan, prior to the U.S.-led invasion of Mosul, would be dwarfed by the slaughter that occurred during the retaking of Mosul that kicked off in October 2016, when bombing rules supposedly protecting civilians were effectively thrown out the window.

The Coalition campaign to retake Mosul formally started on October 16, 2016. Coalition forces, comprised of Iraqi army troops, troops from the Kurdish region of Iraq and various militias, totaled about 100,000. Islamic State forces were estimated at between 3,000 and 8,000. The Coalition anticipated that the victory in Mosul would take three months. An analysis of the battle published by the U.S. Military Academy (USMA) at West Point said that standard military doctrine holds that it takes three attackers to overcome one defender. The ratio going into the battle of Mosul was between 8 to 1 and 33 to 1, suggesting an overwhelming advantage on the side of the Coalition. The Coalition also had an overwhelming advantage in aircraft, artillery and armored vehicles.

But, as noted in various U.S. military reports, the Coalition found that the closer they came to the center of the Islamic States' core of defense in Western Mosul, the more difficult the progress, which, the West Point report said, amounted to "single-digit meters per day by the end of the operation." The battle scene described in the West Point report, and other accounts, was "three-dimensional, 360-degree reality of urban infrastructure that allows the defenders to hide or establish strongpoints in thousands of locations"; an extraordinary amount of manpower was needed to "move through and inspect almost every building, tunnel, room, nook and cranny."

Defenders planted booby-traps, homemade suicide bomb vehicles and homemade drones that dropped grenades. They moved from building to building through holes in walls and tunnels. Rubble from bombing and artillery fire blocked many of the narrow streets and alleys, requiring the coalition to use armored bulldozers to clear paths for combat and movement of troops and vehicles. Smoke from small oil fires, intentionally set by Islamic State to make targeting difficult, sometimes filled the air.

At the same time, Coalition bombs were blowing craters in streets and roads to block the homemade suicide bomb vehicles, and buildings were falling as they were bombed to flush out defenders, or were suspected of shielding defenders. Bombing and artillery fire transformed countless buildings into flying and falling debris, making the buildings themselves a form of weapon, wounding and crushing civilians and Islamic State fighters alike. Overhead, there were constant bombing and missile attacks from fixed wing aircraft, helicopters and drones, intermingled with fusillades of artillery shells and rockets.

A report by the U.S. Army's Mosul Study Group describes a scene of aerial chaos over Mosul. Artillery fire was stopped and started to allow safe airspace for aerial attacks, but the report noted that ground and aerial firing "could have been integrated, offering protection and more effective prosecution." The report continued, "The Battle of Mosul turned spotters on the ground calling in air attacks into what, at times, seemed like air traffic controllers managing up

to 40 aerial platforms...” The situation presented “extraordinary challenges.” The report suggested steps that could be taken in future battles to “help reduce task saturation.”

A March 28, 2016 *Air Force Times* report describes the scene:

On a typical day the coalition flies A-10 Warthogs, Navy F/A-18s, Marine Corps Harriers, French Rafale fighters, Belgian F-16s, British Typhoons, and U.S. Air Force B-52 Stratofortresses to support the fight. They are supported by dozens of intelligence, surveillance and reconnaissance aircraft - manned and unmanned, and six electronic warfare aircraft, as well as tankers providing 430,000 gallons of gas a day to allow fighters and bombers to fly longer. On Thursday, for example, [Brigadier General Matthew] Isler, [the commanding US Air Force general in Iraq] said 32 fighters and bombers flew above Mosul to directly support Iraqis.

The *Air Force Times* report also quoted the general as saying that the first three weeks of the month of March, 2016 were “the most kinetic three weeks [involved the most air attacks] of the campaign in Iraq.” The general noted that coalition aircraft dropped more than 500 “precision-guided munitions” a week in March, at one point reaching 605 such weapons in one of those weeks. These numbers did not include all the unguided “dumb” bombs that were used.

Airwars reports that as bombardment from the air and the use of artillery and mortars increased, the numbers of civilian casualties increased. “Civilian casualties from U.S.-led strikes appear to be at their highest levels since Vietnam,” said Airwars, “and yet there is little or no official effort made to track the overall death toll from urban fighting.”

The most intense fighting, and the last major fighting of the battle for Mosul, occurred in the Old City section, which the Islamic State had chosen for its stronghold. The report said that 7,000 of the 8,200 coalition troops who were killed died in the Old City section of western Mosul.

From a July 17, 2017 *Washington Post* report:

The advances were further slowed by the number of civilians trapped in the city. Each new push into Islamic State-held portions of the city would release a torrent of refugees that would snake their way back from the front lines during the fighting. In the Old City, this problem was further exacerbated by the density of the neighborhood and its winding streets and tiny alleyways. Here, fighting was at close quarters as militants and government troops often exchanged fire within hand-grenade range.

The coalition campaign to retake Mosul formally ended on July 9, 2017, but heavy combat continued for at least two more weeks in the Old City.

There are varying estimates on the number of civilians killed. 11,000 is an often-cited estimate, appearing in a December 20, 2017 report by the Associated Press based in part on visits to Mosul morgues. The report said that one third of civilian deaths were a result of bombardment by U.S.-led coalition or Iraqi troops, without citing a source; realistically, no one will ever know how many civilians died in Mosul. “What is clear from the tallies”, the AP reports explains, “is that as coalition and Iraqi government forces increased their pace, civilians were dying in ever

greater numbers at the hands of their liberators.” It continues, “As the fight punched into western Mosul the morgue logs filled with civilians increasingly killed by being ‘blown to pieces.’”

A December 2017 report from NPR noted, “Others yet to be counted are still buried under the rubble of the collapsed buildings of Mosul’s historic old section.” The director of the Mosul morgue told NPR: “It was the destruction by the airstrikes that was the main cause. These houses in the Old City were completely destroyed. Damned ISIS was shooting one or two bullets and the airstrikes destroyed the whole neighborhood.”

In the aftermath of the battle for Mosul, in an analysis published by the Association of the U.S. Army, U.S. Army Major Amos C. Fox provided extremely valuable military and political observations about the battle that are just as applicable to present wars, particularly to the Russia-Ukraine war. Major Fox says that the battle for Fallujah was essentially a proxy war in which the United States persuaded the Iraqi government, Kurdish fighters, Iraqi militias and others that it was in their self-interest to mobilize the more than 100,000 foot soldiers to attack Islamic State in Mosul. One might say that U.S. leaders learned from the second battle of Fallujah that the number of U.S. casualties resulting from fighting Islamic State directly in Mosul would be politically unacceptable in the United States. This meant, Fox points out, that the United States moved to

...outsource combat in a blood-soaked, destructive war without feeling the full weight of that combat at home. To put it another way, proxy wars empower nation-states to side-step the domestic and political unrest of bloody wars, yet still engage in them. The resultant effect is little-to-no societal limits on a militaristic foreign policy, which results in regions of the globe, such as the Middle East and swaths of Africa, turning into combat zones that span decades and achieve little in the way of tangible outcomes.

What the U.S. brought to the battle for Mosul was air power: it had the obvious ability to exterminate Islamic State fighters from the air. This, along with a seemingly unlimited supply of U.S. artillery, rockets and other technology, must have encouraged the leaders of the proxy forces to risk their reputations on attacking Islamic State in Mosul. According to the U.S. Army’s Mosul Study Group, “Our partners in Mosul relied on the coalition’s persistent intelligence, surveillance, reconnaissance, and precision-fire capabilities...Ultimately, the art is in how to convey assurance to overcome partner commanders’ hesitation.”

For the U.S. and other bombing nations, it has always been good politics to talk about using “precision” bombing because of the avowed deep desire of military and political leaders to spare civilians’ lives. Major Fox found, however, that U.S. “precision” bombing in Mosul was counterproductive because of what he described as the “Precision Paradox.” By this he means that the basic reason for using guided, so-called “precision,” munitions is to kill an opponent, “one strike - one kill” and to do so without “collateral damage,” particularly the killing of civilians.

The paradox, he said, was that precision bombing of Mosul did not achieve one strike - one kill. Instead, he says, the “initial strikes did not kill all the fighters at the target site, resulting in fighters fleeing to adjacent buildings.” The precision bombing then spread to kill fleeing

defenders, causing an increase in the killing of civilians and contributing to 800,000 people fleeing the city. Says Fox,

Additionally, the albatross of precision bombing and its slow rolling wave of destruction is a primary factor in the grinding...battle of attrition that pulverized the city. The sense of security provided by precision bombing resulted in Iraqi land forces waiting to advance until Coalition strikes [cleared] the target area in front of them.”

...over-reliance [on precision bombing] increased death and collateral damage...and severely cut into the American stockpile of precision weapons. Modern technology such as drones, robots and precision strike did not save the day in Mosul. Brute force, willpower and attrition won the day.

Put another way, Major Fox is saying that the more commanders use air power to spare the lives of their ground forces, the more civilians are going to suffer and die.

Major Fox, and other after-action military analysts, do not address factors such as high-altitude bombing and confusion among pilots and ground controllers over targeting that can also lead to civilian casualties, especially when bombs and missiles are released in densely populated urban areas. “Proxy wars will continue to be the face of battle for the foreseeable future,” Major Fox says - and with them battles of attrition in urban areas. Finally, Major Fox notes that so-called benefits from victory can be “fleeting.” After Mosul was retaken by the Iraqi central government and its allies, he wrote, Islamic State is “on the rebound.” This is due “to an insufficient and ineffective constabulary force, insufficient reconstruction effort and insufficient representation [of Mosul] in the [central] government.”

The Iraqi historian Omar Mohammed points out there were other options than bringing so much destruction to Mosul. “They bombed the Old City for months even though they knew that the houses could be destroyed with just one bullet. And you can see the consequences. We lost our city just so they could say they defeated ISIS. Yes, of course, thank you for defeating ISIS. But at what cost?”

The aircraft and munitions below were used in northwestern Iraq prior to and during the coalition attack on Mosul. Lockheed Martin, Boeing, RTX/Raytheon and General Atomics are responsible for manufacturing and/or maintaining most of these weapons.

EA-6b Prowler – Northrup Grumman

B-2 – Boeing

KC-135 Stratotanker – Boeing

F/A-18 – Boeing

F-15E Strike Eagle - Boeing

F-16 (US, Belgium, Australia) – Lockheed Martin

C-7 – Boeing

Rafale fighter – Dassault Aviation

Reaper and Predator drones – General Atomics/Raytheon sensors

AH-64E Apache helicopters – Boeing

HIMARS artillery missiles – Lockheed Martin

M982 Excalibur – 155 mm artillery guidance kit – Raytheon and BAE Systems

GBU-12 Paveway guided bomb – Lockheed Martin/Raytheon

GBU-38 JDAM guided 500-pound bomb – Boeing

M31 GMLRS guided rockets – Lockheed Martin

With the retaking of Mosul, the war in Iraq, from the perspective of the U.S. public, was over. But 2,500 U.S. troops remain in Iraq to keep a military hand in Iraq's oil fields, which means war for Iraqis is far from over. This horrible future prospect confronts the Iraqi people in part because U.S. officials and U.S. arms makers and their CEOs have not been held accountable for the extraordinary destruction and loss of life in Iraq for which they are responsible. Indeed, the weapons makers, their investors, including investment funds Vanguard, Fidelity and State Street, and academic endowments and union pension funds are wealthier as a result of the more than 30 years of death and suffering they have brought to the Iraqi people, all in the pursuit of profit.

Faiza Al-Araji, interviewed by this Tribunal, was forced to flee Iraq due to the war. She closes this segment, describing what happens to developing countries when foreign invaders such as the U.S. crave their oil and wage war to get it, aided and abetted by the weapons makers and merchants of death Lockheed Martin, Boeing, RTX/Raytheon, and General Atomics.

In our countries in the Middle East, nothing happens by the will of its people, even the will of its governors, because the outside fingers are always there, because we have oil, because we have strategic position, I don't know why. America and Europe, they always put their fingers in Iraq, and Egypt, and Jordan, and everywhere, everywhere, Turkey, Iran, Syria, Libya, Algeria, everywhere, everywhere.

Because those are considered as developing countries, the others are considered developed countries. Does this give them the right to be the masters of the world to put their fingers everywhere?

And this is the Hell. Any country that has no stability, it means it will never have a good future.”

YEMEN

We turn our attention now to Yemen, a country whose eastern coast features the Bab al-Mandeb strait, an 18-mile-wide, 70-mile-long channel that is a chokepoint to the southern entrance into the Red Sea. It is one of the most important shipping lanes in the world.

Translated into English, Bab al-Mandeb means “gate of grief” or “gate of tears,” its challenging currents, winds, reefs and shoals having wrecked many a ship over hundreds of years. When the Suez Canal opened in 1869 at the north end of the Red Sea, the “bab” became a gateway to a new ocean trade route between Europe, the Middle East and Asia. One quarter of the world’s ocean shipping is estimated to travel the Bab-al-Mandeb/Red Sea/Suez route, including, the *National Geographic* reports, 4.5 million barrels of oil a day from the Middle East and Asian countries.

Because of its crucial location, Yemenis have faced murderous retaliation for any effort to assert control over their land and resources. The U.S. and other powerful countries profit from shipping oil and huge container ships through the Bab al-Mandeb. Well-heeled global financial interests have long tried to subordinate Yemenis to fulfilling their corporate goals. Author Isa Blumi notes that projects designed to crush Yemen’s grassroots institutions amounted to “cost-effective ways of prying Yemen’s wealth out of its people’s hands.”

Most recently, in January 2024, as Washington continued to help arm and finance the Israeli government’s genocidal assault on Gaza, Yemen’s government, commonly called Houthi after the founder of the ruling political movement, at the time controlled by Ansar Allah, launched a series of attacks on commercial ships, some of them connected to the Israeli economy, in the shipping lanes and around the Red Sea. The Houthis announced that their attacks were intended to support the people of Gaza and would continue until a cease-fire was put in place. Rejecting the demand for a permanent cease-fire to stop the slaughter of Gazans, the United States and Britain escalated airstrikes against Houthi military targets in Yemen. Even Saudi Arabia, regional coordinator of a more than eight year long aerial bombardment and naval blockade of the country, did not favor the U.S./British attacks, stressing the need for “restraint and avoiding escalation.”

The missile targets had all been bombed before over the previous eight years. U.S. leaders acknowledge that their missile strikes have not opened and won't open the Bab al-Mandeb strait to shipping, which must now take far more circuitous and expensive routes: but the bombardment threatens to expand the horror of the Gaza genocide to include the perhaps comparable horror of a full U.S.-Iran war.

The current U.S. air attacks against Yemen represent the third major air war campaign against Yemen since 2011, air assaults that have brought death, suffering and terror to hundreds of thousands of Yemeni people, all enabled by Lockheed Martin, Boeing, RTX/Raytheon and General Atomics.

On November 3, 2002 a U.S. drone produced by General Atomics, firing a Hellfire missile produced by Lockheed Martin, assassinated Abou Ali al-Harithi and five companions riding together in a car. Al-Harithi was said to be a commander of the October 2000 explosive attack against the U.S.S. Cole, a U.S. destroyer involved in enforcing an embargo against Iraq that was docked in the Yemeni port of Aden. Seventeen sailors were killed; 37 were wounded.

Geneva-based human rights agency Alkarama noted in its 2023 report *License to Kill*, “That [U.S. drone] attack was a turning point in the global war on terror: it was the first time that the U.S. military openly killed presumed terrorists outside a conflict zone in a country with which it was not at war.” The U.S. drone attack also brought a sharp and at times violent reaction against the Yemeni central government from tribal leaders resentful of U.S. intervention who comprised the base of Yemeni politics. U.S. president George W. Bush authorized no further drone attacks in Yemen.

Ignoring the destabilizing impact of U.S. drone attacks, Bush’s successor, Barack Obama, began an intense drone assassination campaign in 2009, peppered with cruise missile attacks. These attacks were said to be intended to kill “terrorists,” but often the targets seemed to be opponents of the Yemeni central government that was in favor at that time with the U.S. and Saudi Arabia.

Obama’s successor, Donald Trump, is reported to have carried out even more drone attacks in Yemen than Obama, but as the Pentagon withheld air attack information for much of the Trump Administration the actual total has not been made public. The Associated Press attributed a total of 154 Yemen drone attacks to Obama and 176 Yemen drone attacks to Trump in his first two years in office.

Estimates of numbers of Yemenis killed by drones since 2002 vary greatly, from 1,000 to 1,700, with between 115 to 225 civilians killed. We should keep in mind, however, that the numbers of civilians killed by drone and other air attacks are notoriously under-counted by the U.S. government, and that most drone attacks in Yemen were not witnessed by the press and human rights agencies. It seems probable that U.S. drone attacks in Yemen have deeply shaped the thinking of the massive numbers of Yemenis supporting the Houthi government in its current confrontation with the U.S., in spite of its authoritarianism.

The conflict escalated with the intervention of a Saudi-led coalition in 2015, in its attempt to control Yemen. The United States, seeing a colonial prize in Yemen, was the ultimate patron and arms supplier of the Saudi coalition, which would bomb Yemeni populations and infrastructure despite the nation's already heartbreaking poverty and enforce a blockade against needed humanitarian supplies, including an air blockade, for the next eight years.

During the entirety of the war, Yemen was struck by U.S.-made bombs, which were dropped by U.S.-made planes, which were flown by U.S.-trained pilots, which then flew back to Riyadh to be repaired and serviced by U.S. contractors. The United States also provided the Saudi-led coalition with intelligence and diplomatic cover at the United Nations.

The consequences of the war in Yemen have been disastrous. More than 24,000 people have died in indiscriminate air strikes, including nearly 9,000 civilians, who were tied to the bombing of

targets such as marketplaces, water treatment facilities, hospitals, a school bus, a wedding, and even a funeral. The toll of the war on the people of Yemen has gone well beyond the impact of the bombing campaign, while the weapons makers have profited greatly. The aforementioned Saudi-led air and sea blockade has impeded the import of critical items such as fuel, food and medical supplies, pushing Yemen to the brink of famine and resulting in the deaths of nearly 400,000 people.

Nine years of bombing and siege, largely targeting civilians and critical infrastructure, led to one of the world's most severe humanitarian crises. Yet despite the destruction and bloodshed, the Saudi-led coalition was unable to defeat the Houthi military. In September 2023, with little hope of victory, Saudi Crown Prince Mohammed bin Salman, having just scaled back his military operation, entered into peace talks with the Houthi government, which was now securely governing the capital of Yemen.

By the end of 2015, Human Rights Watch documented, the U.S. had sold Saudi Arabia 600 Patriot Missiles built by RTX/Raytheon, a million rounds of ammunition, \$7.8 billion in various weaponry, four Lockheed Martin Littoral Combat Ships, and 10,000 advanced air-to-surface missiles, including laser-guided bombs and “bunker busting” bombs. These shipments included weapons made by Lockheed Martin and Boeing in addition to RTX/Raytheon. According to a June 2022 Government Accountability Office report, the United States administered over \$54 billion in arms sales to Saudi Arabia and the UAE from 2015 through 2021.

Several case studies help illustrate the intensity and extent of Yemeni civilian suffering caused by weapons developed, stored, sold and used by the U.S. merchants of death. These are presented below.

Khasamir Village Attack - 2012

On the evening of August 29, 2012 several Lockheed Martin Hellfire missiles fired by U.S. General Atomics drones hit the Yemeni village of Khashamir.

Saeed Abdallah bin Ali was the nephew of a cleric, Salem bin Ali Jaber, who had given a fiery sermon in the local mosque. The sermon criticized Al Qaeda for killing Yemeni civilians. Several government officials, accompanied by three strangers, came to the mosque to talk with Salem. Salem tried to avoid them, fearing they were militants, but eventually he asked his cousin and a policeman to accompany him and began talking with the strangers. As villagers looked on, two Hellfire missiles came crashing down on them. Ahmed ran toward the place his uncle had been standing, when two more missiles hit. His uncle, Salem, the policeman, Waleed, and the three strangers were all killed. Ahmed still fears hearing the hum of a drone.

Al Ghayyal Raid - 2017

The tragic U.S. raid on Al Ghayyal was President Donald Trump's first so-called attack on terrorists, hastily launched to show him to be a tough guy compared to the friendly and outgoing

President Obama. The 2017 night raid was planned to be carried out by U.S. Navy Seals in the rural Yemeni village of Al Ghayyal, in a cluster of settlements known as Yakla. An email exchange between two of the U.S. generals involved noted that the Special Forces operation sought to capture an alleged AQAP (Al Qaeda in the Arab Peninsula) leader. General Joseph Dunford, at that time Chairman of the U.S. Joint Chiefs of Staff, told General Joseph Votel, then Commander of the U.S. Central Command, that all the needed approvals were in place for the raid. Before signing off, he wrote: “Good hunting.”

The “hunting” went horribly wrong. Hearing the commotion as U.S. forces raided a village home, other villagers ran to assist. They soon disabled the U.S. Navy Seals’ helicopter. One of the Navy Seals, Ryan Owen, was killed during the first minutes of the fighting. In the ensuing battle, the U.S. forces called for air support. U.S. helicopter gunships arrived and U.S. warplanes started indiscriminately firing missiles into huts.

Fahim Mohsen, age 30, huddled in one home along with another mother and 12 children. After a missile tore into their hut, Fahim had to decide whether to remain inside or venture out into the darkness. She chose the latter, holding her infant child and clutching the hand of her five-year-old son, Sinan. Sinan said his mother was killed by a bullet shot from the helicopter gunship behind them. Her infant miraculously survived. That night in Al Ghayyal, ten children under age 10 were killed. Eight-year-old Nawar al Awlaki bled to death after being shot. “She was hit with a bullet in her neck and suffered for two hours,” her grandfather said. “Why kill children?” he asked.

Mwatana, a Yemeni human rights group, found that the raid killed at least 15 and wounded at least five - all civilians. Interviewees told Mwatana that women and children, the majority of those killed and wounded, had tried to run away and that they had not engaged in fighting. Mwatana found no credible information suggesting that the 20 civilians killed or wounded were directly participating in hostilities with AQAP or Islamic State-Yemen. Of the 15 civilians killed, only one was an adult male. Residents said he was too old, at 65, to fight, and in any case had lost his hearing before the raid.

Names of the children killed that night:

Asma al Ameri, 3 months; Aisha al Ameri, 4 years; Halima al Ameri, 5 years; Hussein al Ameri, 5 years; Mursil al Ameri, 6 years; Khadija al Ameri, 7 years; Nawar al Awlaki, 8 years; Ahmed al Dhahab, 11 years; Nasser al Dhahab, 13 years.

According to the Pentagon, the U.S. Navy SEALs used two MH-60 Black Hawk helicopters in the attack. The MH-60 Black Hawk is a twin-engine, medium-lift helicopter that is used by the U.S. military for a variety of missions, including assault, air assault, and special operations. It is equipped with a variety of weapons, including a .50 caliber machine gun, a 7.62mm machine gun, and a 40mm grenade launcher, and is the most common helicopter used by the U.S. Navy SEALs. Sikorsky Aircraft Corporation manufactures the MH-60 Black Hawk helicopter. Sikorsky is a subsidiary of Lockheed Martin. Other aircraft involved in the raid included a Boeing V-22 Osprey vertical lift aircraft and, apparently, multiple Boeing Apache attack helicopters.

Civilian Drone Bombing - 2018

On March 14, 2018 a General Atomics MQ-9 Reaper drone fired a Lockheed Martin Hellfire missile, killing four of Adel Al Manthari's cousins and leaving Adel mangled, burnt, and barely alive. The five were traveling by car to examine a real estate proposition for the family. One of the cousins worked for the Yemeni military. Adel worked for the Yemeni government. None of them had ever been linked to non-governmental terrorism. The impact of the missile instantly killed three of the men. Adel saw, with horror, the strewn body parts of his cousins, one of whom was decapitated. One cousin, still alive, was rushed to a hospital where he died days later. Following his 2023 discharge from a hospital in Cairo, Al Manthari still faced months of physical therapy and mounting medical bills following three surgeries since the 2018 attack.

On October 7, 2022, President Biden announced a new policy regulating U.S. drone attacks, through Administration officials briefing the press. It was purportedly intended to reduce the numbers of civilian casualties from the attacks. Absent from the briefings was any mention of regret or compensation for the thousands of civilians like Adel and his family whose lives have been forever altered by a drone attack. Human rights organizations such as the UK-based Reprieve have sent numerous requests to the U.S. Department of Defense and the State Department, seeking compensation to assist with Adel's medical care, but no action has been taken. The family struggles with precarious finances, yet the Pentagon budget seemingly can't spare a dime to help them, even though Congress has established a fund to aid victims of U.S. military attack.

School Bus Bombing - 2018

According to the United Nations, on August 9, 2018 a Saudi-led coalition aircraft dropped a Lockheed Martin GBU-12 Paveway II laser-guided bomb, apparently aimed at a school bus in Dhayan, Yemen. The bomb killed 40 children and wounded 79 others, 56 of them children. The attack was widely condemned as a war crime.

Photos showed badly injured children still carrying UNICEF blue backpacks, given to them that morning as gifts. Other photos showed surviving children helping prepare graves for their schoolmates. One photo showed a piece of the bomb protruding from the wreckage with the number MK82 clearly stamped on it. That identification showed that the deadly attack was wrought by a 500-pound bomb manufactured by the U.S. firm General Dynamics, with a guidance system made by Lockheed Martin. The psychological damage inflicted on these children is incalculable. "My son is really hurt from the inside," said a parent whose child was severely wounded by the bombing. "We try to talk to him to feel better and we can't stop ourselves from crying."

The aircraft that dropped the GBU-12 Paveway II in Dhayan has not been identified. However, the Saudi-led coalition has used a variety of aircraft in its airstrikes in Yemen, including Boeing

F-15E Strike Eagles, Lockheed Martin F-16 Fighting Falcons, and Tornados, manufactured by a European consortium.

Arhab Bombing - 2016

In September 2016, in the small town of Arhab in northwest Yemen, the water table had lowered so much that villagers' wells were running dry. With no government or NGO to help them, they took a risk and hired a rig, which they hoped could dig deep enough to reach the water. Finally, after weeks of trying, they found it. Townspeople celebrated. As the gathering was breaking up, a Saudi warplane flew overhead. There had been rumors of new wells being targeted by the Saudis. A Saudi pilot, perhaps trained by U.S. forces and using U.S. intelligence, pressed a button and an RTX/Raytheon bomb manufactured in Arizona was released. The attack killed at least 31 civilians, including three children.

Over the course of four successive U.S. presidential administrations the United States has bombed and helped blockade one of the poorest countries on earth. The strategy of attacking Yemenis who've meant the U.S. no harm has been reckless and cruel. Behind the ruthless, racist attacks against the Yemeni people remains the colonial desire of the United States financial elites to control the Yemeni people for oil and other monetary gain, in cooperation with Saudi leadership.

THINK TANKS

When the late U.S. industrialist Paul O'Neill started work as U.S. Secretary of the Treasury in January 2001, in the first term of the George W. Bush administration, he was extremely surprised to find that plans were well underway for the invasion and occupation of Iraq. "So, Condi, what are we going to talk about today? What's on the agenda?" Said the new president to Condoleezza Rice, then national security advisor, at the National Security Council's first meeting on January 30th.

"How Iraq is destabilizing the region, Mr. President," said Ms. Rice, in a dialogue reported by Mr. O'Neill to Ron Suskind, author of *The Price of Loyalty*. The meeting was attended by Vice President Dick Cheney, Secretary of Defense Donald Rumsfeld, Secretary of State Colin Powell, CIA director George Tenet, General Hugh Shelton, Chairman of the Joint Chiefs of Staff and O'Neill.

On cue, CIA director Tenet presented photographs that he said indicated the possibility that Iraq might be producing chemical or biological weapons, with Vice President Cheney urging all in the room to "Come on up. You have to take a look at this." Cheney was uncharacteristically enthusiastic. At the end of the meeting, the president told Rumsfeld and Shelton to "examine our military options," which included, according to O'Neill, sending U.S. troops to northern and southern Iraq. O'Neill was told to find ways to put financial pressure on Iraq.

By that time, O'Neill said, Rumsfeld was using the defense intelligence agency to map Iraq's oil resources for allocation among various global oil corporations. Rumsfeld was also speaking of a pre-emptive attack against Iraq to "dissuade" other countries from challenging U.S. moves. "Ten days in," Suskind reports, "and it was about Iraq."

How did key administration officials all come to follow the same script on Iraq just 10 days after Bush's inauguration and before any public discussion of the plans?

Answer: Cheney, Rumsfeld and other leading Bush administration officials had all gotten on the same page in significant measure through their association with the Project for the New American Century, the so-called think tank that laid out an argument for opening the 21st century with illegal pre-emptive U.S. wars to capture oil and other material and human resources, at gunpoint.

The Project for the New American Century served the interests of oil producers and weapons makers, cloaking plans for illegal, vicious carnage in robes of fake academic gentility and intellectualism in order to deceive the public and make it easier for politicians to approve of colonial wars that would kill hundreds of thousands and up-end the lives of millions. It was perhaps the most destructive think tank ever created.

The Project for the New American Century, active from 1997-2006, was founded by William Kristol and Robert Kagan. Critics of PNAC claim its reports were riddled with thinly-veiled imperialism. Their aggrandized rhetoric about the United States as a "global leader" is

reminiscent of President Ronald Reagan's hyper-militarized foreign policy. A report published in September 2000 titled "Rebuilding America's Defenses" recommends vast military expansion and modernization in anticipation of impending threats, for the purpose of maintaining United States hegemony. It concludes:

It is not a choice between preeminence today and preeminence tomorrow. Global leadership is not something exercised at our leisure, when the mood strikes us or when our core national security interests are directly threatened; then it is already too late. Rather, it is a choice whether or not to maintain American military preeminence, to secure American geopolitical leadership, and to preserve the American peace.

The publication reads cover-to-cover as a blueprint for global domination, and it establishes the Persian Gulf region as a priority threat to the United States. PNAC laid the ideological framework which justified the invasion of Afghanistan and Iraq well before the twin towers were ever struck.

PNAC was filled with representatives of corporate interests that would benefit from the pro-war rhetoric loading their policy recommendations. Among PNAC's members were Vice President Dick Cheney, one of the PNAC founders, who was serving as CEO of the oil services giant Halliburton at the time of PNAC's creation; Bruce Jackson, chairman of PNAC, a position he took after serving for years as vice president of weapons manufacturer Lockheed Martin; and Vin Weber, a registered lobbyist for Lockheed Martin. Others associated with PNAC who would work in the George W. Bush administration include: Eliot Abrams, Richard Armitage, John Bolton, Zalmay Khalilzad, Lewis "Scooter" Libby, Richard Perle, Peter Rodman and Paul Wolfowitz.

The New Citizen Project sponsoring PNAC received \$3.3 million in grants, primarily from the Bradley, Olin, and Scaife Foundations. The Bradley Foundation was PNAC's largest source of foundation support, granting PNAC \$700,000 from 1997 to 2004. The Bradley Foundation got its money from the owners of the Allen-Bradley Company, which grew dramatically during World War II, producing a variety of electronic equipment for the U.S. military. The foundation's assets jumped to more than \$290 million in 1985 as it received a portion of the \$1.65 billion sale of Allen-Bradley to military contractor Rockwell International. Rockwell sold its military aircraft and aerospace business to Boeing in 1996.

The Bradley Foundation has funded various organizations and individuals contributing to anti-Islamic hysteria in the United States. Between 2001 and 2012, the Foundation contributed \$6,540,000 to various Islamophobic groups, including the Center for Security Policy, the Middle East Forum, and the David Horowitz Freedom Center. Research undertaken by a project of the Council on American-Islamic Relations found that from 2014 to 2016 the Bradley Foundation granted more than \$1.8 million dollars to think tanks. \$765,000 went to the David Horowitz Freedom Center and \$110,000 to the Middle East Forum. Other recipients included the Middle East Media Research Institute and the American Islamic Congress.

The Olin Foundation, which is reported to have laundered money for the CIA between 1958 and 1966, was funded by money generated by Olin Industries, a chemical and munitions

manufacturing corporation. By the time the Olin Foundation was disbanded in 2005, at the wishes of its founder it had distributed over \$370 million to so-called conservative think tanks, media and law programs at prestigious universities.

This kind of glaring conflict of interest still corrupts think tanks today, positioning former staff of weapons manufacturers to produce reports supporting what are essentially colonial, pro-war policies that will benefit the industries they serve. Neal Blue, CEO of General Atomics, is a member of Yale University's Jackson Institute for Global Affairs, The Hudson Institute, The Center for A New American Security and the Atlantic Council advisory boards. Mark Esper, former lobbyist at Raytheon, and former Secretary of Defense, was chief of staff at the Heritage Foundation in 1996. He is currently a member of the Council on Foreign Relations and the Aspen Strategy Group. Esper also serves on the boards of the McCain Institute, the Atlantic Council, and the U.S. Global Leadership Coalition.

Think tanks originated after World War I, as the U.S. and other western government officials and business people began to explore the creation of international institutions that would reinforce the extremely profitable colonial system they had created. After World War II, with the rise of the U.S. to become the dominant world military power and, therefore, colonial power, the number of think tanks grew from a few to more than 100.

The findings of U.S. think tanks were originally, and largely continue to be, based on the premise that the U.S. must continue to be the most militarily powerful nation in the world, the only questions being when and how to use that power. Threats against the U.S. are assumed to be constant, which reinforces fearmongering by politicians to generate support for colonial wars. Acceptance of militarism and violence as the foundation of U.S. influence is unquestioned; nonviolent strategies for settling differences between nations get little serious discussion.

There are now nearly 8,000 think tanks globally; these are funded almost exclusively by governments, corporations and the wealthy. As noted by military analyst and tribunal witness Christian Sorenson, think tank research and recommendations are produced primarily for the consumption of political decision-makers. An annual report from 2017 by the Brookings Institute noted that "[their] scholars have regular and direct interactions with policymakers and white house staff members across regional and functional areas of responsibility."

Known as "universities without students," their work is intended to be regarded with trust and respect. However, while acting under the guise of independence, think tanks are clearly prone to be corrupted by the same financial incentives that produce indebted politicians. Think tanks are not required to publicly disclose their donors and many choose not to, concealing evidence of their conflicts of interest from the public and policymakers. The Quincy Institute for Responsible Statecraft found that nearly a third, or 10 of 33, top foreign policy think tanks in the United States do not provide the public with donor information.

Scholars are truth-tellers, or so they are meant to be. Yet, unchecked and unaccounted for, the search for wealth and prestige has the ability to corrupt even the most exceptional. Protected by their often contrived scholarly nature, think tanks can create another avenue for weapons manufacturers to promote the wars from which they profit.

Eight of the top ten think tanks in the world report funding from nuclear weapons makers or maintainers. Of the 27 think tanks from whom donor information was obtained by the Quincy Institute for Responsible Statecraft, more than two-thirds (78 percent) received funding from the Pentagon or a Pentagon contractor. Among the top ten ranked foreign policy think tanks in the United States, this figure jumps to 100 percent.

The Center for Strategic and International Studies (CSIS) was ranked the number one think tank in the United States and designated the Defence and National Security Center of Excellence for 2016-2018 by the University of Pennsylvania's annual think tank report. Not unlike many other think tanks, CSIS has accepted generous contributions from major weapons manufacturers. Within fiscal year 2022, Lockheed Martin and General Atomics were reported alongside other corporate donors to CSIS, including ExxonMobil, as ambiguously contributing some amount larger than \$250,000. Contributions by Boeing Company and RTX/Raytheon were listed as ranging from \$100,000 to 249,999.

The *New York Times* reported that General Atomics, producer of MQ-9 Reaper Drones, began to express concern in 2013 about the decreasing sales of the killer drone in relation to their use in Iraq and Afghanistan. They reportedly had a desire for the Obama Administration to alter its policy so that General Atomics could sell their weaponry to other countries. To further their agenda, they began to funnel money to CSIS to write about drones and export policy.

In internal correspondence obtained by the *New York Times* through an open records request, they found that in 2013 "CSIS set up confidential meetings at its headquarters with company representatives, inviting top officials from the Navy, the Air Force, the Marine Corps, the Coast Guard, the state department and the Office of The Defense Secretary." Drone manufacturers and major CSIS contributors Lockheed Martin and Boeing were also invited to these meetings. An agenda of one such closed-door meeting referred to "political obstacles to export" as being one item to resolve. It was a successful campaign: in 2015 the Department of Defense approved General Atomics' sale of unarmed predator drones to the United Arab Emirates.

CSIS continues to produce material that encourages the use of military power. In a 2022 report titled "U.S. Defense Posture in The Middle East," CSIS cites concerns about the rising threat of Iran and Iranian-linked groups. They suggest that the United States "should encourage Gulf states to cooperate in the creation of a combined, layered missile defense. It should simultaneously encourage partners to purchase more missile defense systems from the United States and its partners and allies."

The Center for American Progress is another think tank held in high regard, particularly by the Obama Administration. Yet, despite their supposedly liberal values, they appear to be deeply influenced by their corporate benefactors. In a damning article in the *Nation*, Ken Silverstein described receiving off-the-record insight from CAP staff members who said "they were very clearly instructed to check with the think tank's development, fund-raising team before writing anything that might upset contributors."

Silverstein further writes that in 2010, CAP published a report titled "Ties That Bind: U.S.-Taiwan Relations and Peace and Prosperity in East Asia," in which CAP encourages "the

United States to maintain arms sales to Taiwan, increase economic and diplomatic cooperation, and otherwise ‘seek ways to deepen their relationship.’” That same year, Silverstein discovered that CAP Senior Fellow Scott Lilly spoke at the American Institute in Taiwan and declared U.S. and Taiwan ties “one of the more important bilateral relationships in the world.” Lilly was at this time an active lobbyist for Lockheed Martin, then a leading contractor selling armaments to Taiwan.

Their pro-war stance persists. In their 2019 report “Limit, Leverage, And Compete: A New Strategy in China,” CAP recommends that the United States “make the necessary defense investments to ensure effective deterrence and defeat aggression” and “network a new Asia-Pacific regional security architecture.”

In yet another instance, the Center for A New American Security received funding from Lockheed Martin ranging from \$100,000–249,999; \$25,000–49,000 from Boeing and \$50,000–99,000 from RTX/Raytheon in fiscal year 2022. In a report boldly titled “Production Is Deterrence,” researchers at the center focus heavily on the so-called challenge posed by China and Russia, and promote fear of a dwindling arms stockpile as a result of the war in Ukraine.

Among their many recommendations, the authors write that “the DOD must continue to buy long-range weapons, but also develop more medium-range weapons for the pacing threat” and that “the DOD needs to continue to invest in integrated and layered air defenses that include a high-low mix that can be purchased in quantities sufficient to counter the Chinese threat.”

In an examination of the works produced by defense industry-funded think tanks, the Quincy Institute found that they were more likely to offer pro-military responses to the war in Ukraine and were dismissive of diplomatic solutions. As an example, the Atlantic Council is also funded by weapons-manufacturers. In fiscal year 2019, they received \$250,000–499,999 from RTX/Raytheon and General Atomics, \$100,000–249,999 from Lockheed Martin, and \$25,000–49,999 from Boeing. In an article titled “Equity for Ukraine,” the think tank asserted that “Ukraine has the right of proportionate retaliation. This begins with a right to destroy critical infrastructure in Russia and plunge Moscow and other cities into darkness.”

So long as think tanks accept money from weapons manufacturers, their counsel is discredited. Their hawkish recommendations sow the seeds of war to the benefit of their benefactors. Yet, policy makers are not the only ones who are influenced by their false logic. The instigative rhetoric often employed by weapons manufacturer-funded think tanks has seeped its way into informing national public opinion from a colonial perspective. The U.S. national interest is regularly implicitly defined as what benefits U.S. corporations.

The Quincy Institute has found that an alarming number of these think tanks are receiving mention in some of the largest media outlets in the United States. They report that of the 1,247 think tank media mentions related to U.S. arms and the war in Ukraine, 1,064 (85 percent) were from think tanks that receive funding from the defense industry, and just 147 (12 percent) were from think tanks that do not receive defense industry support.

This may significantly affect the ways journalists frame their stories. For journalists, it's a quick and cheap slice of readily-available research to pad an article or throw on screen. Yet, by mindlessly amplifying these narratives, they may encourage the public to condone, or even celebrate, the brutality of conflict. It must be remembered that we, the readers, are just as responsible as the media for carefully evaluating the sources of our knowledge, and of troubling, manufacturer-funded 'truths.'

While think tanks might often promote themselves as bastions of wisdom and truth amidst the chaos of political discourse, they are no more exempt from the influence of greed than any other institution. Their recommendations are discredited by the income sources of staff members, and the funding they receive. Politicians and the public should regularly scrutinize think tank-produced work, and hold them accountable to the basic ethical standards expected of scholars.

Think tanks are with few exceptions yet another component of the military-industrial complex, so often funded by weapons makers and staffed by military personnel, continually promoting U.S. military and economic dominance under cover of independent research, heedless of the consequences to citizens of other nations who suffer under the colonial violence generated by U.S. corporations' dominating will.

REVOLVING DOOR

On September 11, 2001, Retired Admiral James Winnefeld Jr., then commander of the USS Enterprise, responded immediately to news of the attacks against the U.S. by taking it upon himself to turn his ship around and head for the closest point in the Arabian sea to Afghanistan. Four weeks later, on October 7, 2001, aircraft from the Enterprise would be bombing Afghanistan as Operation Enduring Freedom got underway, opening a war that would bring profound suffering to the Afghan people for the next 20 years.

In March 2003, Admiral Winnefeld was commander of Carrier Strike Group 2, which took part in the devastating bombing that opened Operation Iraqi Freedom. Winnefeld, former instructor in the Navy's top gun flight school, is now retired, after having reached the heights of command. Serving as vice chairman of the Joint Chiefs of Staff, the second-highest U.S. military office, he has been a member of the Board of Directors of RTX, formerly known as Raytheon Technologies, since 2017. In fiscal year 2022 alone, RTX/Raytheon paid him \$361,888. RTX/Raytheon is the maker, with Lockheed Martin, of GBU-16 1,000-pound Paveway bombs; RTX/Raytheon further produces the AGM-65 Maverick air-to-ground missiles. Both were used by navy pilots during the invasions of Iraq and Afghanistan.

In a post-retirement interview published by the Department of Defense, Admiral Winnefeld did not reflect on his involvement in any of the U.S. wars since 9/11; rather, he emphasized the need to spend more money on the military. "When the money goes away and you're not flying anymore, it hurts morale, it hurts retention, it hurts your ability to go off and fight quickly if you need to be able to fight," he said. "The services can recover over time and with a lot of money... but it is difficult to climb out of the readiness hole."

An investigation by Senator Elizabeth Warren, chair of the Senate Armed Services Subcommittee on Personnel, entitled "Pentagon Alchemy: How Defense Officials Pass Through the Revolving Door and Peddle Brass for Gold," revealed nearly 700 instances of former high-ranking DOD and other government officials now working at the top 20 defense contractors. The term "revolving door" refers to a situation in which someone moves from an influential government position to a position in a private company, or vice versa.

This cycling of public and private offices ensures that power and influence remain spinning in the hands of select individuals. With their rotating seats, corporate interests seed themselves into the political decision-making meant to be guided by the will of the people. These private positions act as a form of bribery, calling key players and experts to secure personal profit in exchange for favor.

In many instances, government officials and military officers who have been directly involved in U.S. military attacks, occupations, and war crimes that have left thousands of people killed, injured and otherwise harmed, feed this experience into jobs with weapons makers, ushering forward a continuation of the suffering that they enabled while working for the corporately obedient U.S. government. It's a lucrative investment.

According to the Project on Government Oversight (POGO), defense contractors that hired former Pentagon officials received over \$89.3 billion in contract obligations from the Pentagon in fiscal year 2021. Defendants Lockheed Martin, Boeing, and RTX/Raytheon hold some of the highest number of revolving door hires among defense contractors, hiring 53, 85, and 64 people respectively, across their lobbyists, executives, directors, board members and trustees. General Atomics has 30 hires.

Military analyst and Tribunal witness Christian Sorensen testifies:

These revolving door officials, and many more, have a vested financial and professional interest in war. Now when they revolve out of government, for example, you have three- and four-star generals and admirals, these are career military officers. They've been in for 30 sometimes pushing 40 years in uniform. They know the military in and out. They retire. And then increasingly, they go and they work for corporations. Okay. Lockheed Martin, Boeing, Raytheon, Northrop Grumman, Georgia, Amex, all down the line. They all do it.

Tribunal witness Colonel Lawrence Wilkerson remarks:

I don't think there is a single four star general, I may be mistaken, other than Powell and maybe Mike Mullen who's chairman of the Joint Chiefs of Staff, Admiral Mike Mullen, one or two others, possibly who aren't at least indirectly taking and most are directly taking money from that complex. What do I mean by indirectly? They're sitting on a board and they meet maybe twice a year and for that they get \$600,000 or \$700,000 just for a couple of meetings on the advisory board or the actual board of the corporation. So indirectly or directly, I can't think of anybody. I'm sure there are one or two who have not gone to work for somebody.

In an exemplary demonstration of the impact of the revolving door, you need look no further than the leadership of these manufacturers. Currently seated on the Board of Directors at RTX/Raytheon are Ellen M. Pawlikowski, retired general of the United States Air Force and former commander of the Air Force Materiel Command; Robert O. Work, former deputy secretary of defense, whose primary responsibility is to manage the defense budget; and the previously-mentioned James A. Winnefeld Jr., retired admiral of the U.S. Navy and former vice chairman of the Joint Chiefs of Staff.

The board of General Dynamics holds Rudy DeLeon, who served as deputy secretary of defense, undersecretary of defense for personnel and readiness, and undersecretary of the U.S. Air Force; retired Navy Admiral Cecil Haney, who led the U.S. Strategic Command; and Chairwoman and Chief Executive Officer of General Dynamics Phebe Novakovic, who also served as an intelligence officer with the CIA, special assistant to the secretary of the Department of Defense, and in the Office of Management and Budget.

Meanwhile, Boeing has employed John M. Richardson, 31st chief of naval operations and former director of the Naval Nuclear Propulsion Program for the U.S. Navy, and Stacey D. Harris, former inspector general of the United States Air Force. Be it through influencing the allocation of resources and the acquisition of arms or holding sway among U.S. warmakers, many of the

aforementioned board members held positions that would allow them to make decisions that benefit the industry.

Christian Sorensen explains:

These days, the top offices in the Pentagon are staffed by industry executives, people who rotate from corporate suites into the Pentagon for a couple years. They stay there, and then they rotate up, and they rotate in and they rotate up. Now on the inside these corporate executives, when running one of the top offices in the Pentagon, they put in place policies that invariably benefit industry. Then when they return to industry later on, they are armed with all the inside information that they just gained while being part of the top brass or the top civilian leadership in the Pentagon. And they can use that to profit industry. So, if we lived in a functioning democracy, this would be absolutely taboo.

The revolving door acts as a bridge to continually facilitate contact between weapons manufacturers and the United States government. The position of secretary of defense has a particularly damning legacy. As one example, according to the Project on Government Oversight Lloyd Austin joined the board of United Technologies Corporation shortly after retiring in 2016 as commander of U.S. Central Command. During his time in the military, Austin commanded units in Iraq and Afghanistan and oversaw military operations and joint strategy throughout the Middle East and Central and South Asia. According to Wikipedia, Austin's pay at RTX/Raytheon in 2020 amounted to \$2.7 million, including stock. He was confirmed as President Biden's Secretary of Defense on January 22, 2021.

The United Technologies Corporation has since merged with RTX/Raytheon. As is standard practice, Austin has committed to not participating in any matters related to this former employer. However, the lucrative force of RTX/Raytheon's influence appears to have followed Austin into his new position.

RTX/Raytheon has a working relationship with the Israeli weapons manufacturer Rafael Advanced Defense Systems, which maintains Israel's defense system, the Iron Dome. Reuters reports that in 2014 RTX/Raytheon obtained a "\$149 million contract from Israel's Rafael Advanced Defense Systems to provide key parts for the Tamir interceptor used in the Iron Dome missile defense system."

While often paraded for its life-saving capabilities, the overwhelming power of the Iron Dome cannot be understood simply by its ability to protect. This unyielding shield ensures Israel's security regardless of the aggression of their offensive attacks. Israel does not fear retaliation, pursuing perpetual war without repercussions. Lloyd Austin has been an intense supporter of Israel, and has used his position to leverage tremendous resources for his former business partner and promote their weapons of war.

Austin, in a June 2021 meeting with Israeli Minister of Defense Benjamin Gantz:

We are committed to maintaining Israel's qualitative military edge and ensuring that Israel can defend itself against regional threats, such as those posed by Iran, its proxies, and terrorist groups. The administration fully supports your country's right to defend

itself against rockets, rocket attacks fired indiscriminately by Hamas, and other Gaza-based militants against Israeli civilians.

As reported by Jewish Currents, the United Nations documented that “2,774 Palestinian civilians in Gaza have been killed since the beginning of 2008, while 30 Israeli civilians have been killed in the same period by Palestinian militants.” This imbalance doesn’t seem to matter to the U.S. congress. In 2021, our representatives collectively approved \$1 billion dollars to replenish the Iron Dome, in addition to the \$3.8 million the United States gives Israel each year. In the end, any and all violence is profitable to weapons manufacturers. Regardless of the consequences for civilians and the cost of civilian lives, pro-war foreign policy ensures the financial security and upward mobility of those who are willing to sit comfortably in the pocket of the corporate elite. Israeli Minister of Defense Benjamin Gantz personally thanked Austin for his commitment to U.S.-Israel relations.

Jeremy Kuzmarov, managing editor of Covert Magazine, reported that since Austin took his position as secretary of defense in January 2021, RTX/Raytheon has been awarded 30 billion dollars in contracts. These include “a \$32,853,210 contract for autonomous swarm strike loitering munitions.” These weapons, also known as kamikaze, suicide or exploding drones, are designed to be fully autonomous. They are capable of navigating the battlefield and attacking on their own directive, prompting concern regarding the drones’ ability to accurately discern targets, determine proportionality and prevent civilian harm. In 2022, one such drone, operated by Russian forces, struck a four-story residential building, causing it to collapse. Four civilians were killed.

Colonel Lawrence Wilkerson:

So that's illegal, but it goes on all the time. I was approached, I was approached both at the Pentagon and I was when I retired. And I was approached at the State Department when they knew I was going to be gone in a year or so because I was a political appointee. And I simply said on both occasions to the individual who approached me this is illegal. Leave my office, please.

Prior to Lloyd Austin’s appointment as secretary of defense, former Secretary of Defense Mark Esper moved from vice president of governmental relations at RTX/Raytheon as well as top lobbyist to the State Department position a mere two years later. When Esper was preparing to leave RTX/Raytheon to join the government, he reported that he was paid \$1,524,018 in salary and bonuses.

While acting as secretary of defense, Esper began to develop a relationship with the army’s chief of staff, General Mark E. Milley. They each identified China and Russia as major competitors to the United States’ hegemony, and sought aggressive budgetary reorganization and expansion for the purpose of deterrence and preparedness. Esper cited China as “the greatest threat of our lifetime; one much greater than the Soviet Union.” Esper continues, “In the face of these threats, we must harness the next generation of technologies to stay ahead of the competition. Thanks to the army's efforts to ruthlessly redirect time, money and manpower, we are prepared to do just

that.” He has claimed that in order to keep pace with the demands of the shifting world order, the Department of Defense would need to experience 3 to 5 percent growth annually.

Esper was quick to promote RTX/Raytheon’s products as a partial means of achieving this posture. “The Esper-Milley initiative reprogrammed nearly \$31 billion in army funding over a period of five years.” This included precision fires developed by RTX/Raytheon and Lockheed Martin, and next generation combat vehicles developed by BAE Systems, General Dynamics, and a collaboration between RTX/Raytheon and the German arms manufacturer Rheinmetall.

Marking his 1-year anniversary, Esper celebrated his team’s ability to successfully secure funding for 11 modernization initiatives. These included hypersonics, artificial intelligence, quantum science, biotechnology, directed energy, microelectronics, and 5G networks. Esper also proudly recapitalized the strategic nuclear triad. As a result of Esper’s push towards modernization, in 2021 the Department of Defense awarded RTX/Raytheon \$2 billion to develop a new air-launched nuclear cruise missile.

Esper overhauled the National Defense University curriculums, resulting in 50 percent of the coursework becoming dedicated to China by academic year 2021. He ordered military services to mark the People’s Liberation Army as the growing, imminent threat in our professional schools, programs, and training.

Mark Esper’s predecessor as secretary of defense was the infamous James Mattis. Five months after retiring from Central Command in 2013, Mattis joined the board of General Dynamics. Under the Trump administration, he moved on to work as secretary of defense from January 20, 2017 to January 1, 2019. Mattis’s reputation precedes him, and a culture of militarism is quick to reward his bluntness. Nicknamed “mad dog” and “chaos,” among many appalling statements riddling his record of service, Mattis once said in reference to Afghan men, “actually it's quite fun to fight them, you know. It's a hell of a hoot. It's fun to shoot some people.”

During Mattis’ time in the Pentagon, General Dynamics made great strides in partnership with Microsoft to supplement services mandated by the DOD’s cloud strategy. In 2020, the General Services Administration, in partnership with the DOD and the Defense Information Systems Agency, awarded a long-planned, \$4.4 billion dollar contract to General Dynamics information technology for Defense Enterprise Office Solutions (DEOS). Mattis was re-elected to the board of General Dynamics on August 7, 2019. As a board member he’s made nearly 1 million dollars.

Yet, not all of those who pass through the revolving door are political decisionmakers. Key players leveraged by weapons manufacturers are oftentimes employed as lobbyists. Loaded with their prior connections, lobbyists may move with special access to social spheres otherwise unbreachable. Weapons manufacturers pay for influence; the more lobbyists employed, the more bonded their connection. As reported in OpenSecrets, “Of the 708 lobbyists working on behalf of defense companies so far in 2023, at least 517 swung through the revolving door. Opensecrets estimates the defense sector has hired more than 2,700 revolving door lobbyists since 2001.”

Valerie Baldwin, for example, acted as assistant secretary of the army for financial management and comptroller, and proceeded to advance to the position of member of the House Committee

on Appropriations, and clerk of the Homeland Committee Subcommittee. Throughout her career she would be working alongside people who would play a direct role in regulating the expenditures of the U.S. government. Shortly after her time in public service ended, she began working as a lobbyist for Lockheed Martin. She was tasked with representing Lockheed Martin's interests in the drafting of the National Defense Authorization Act for fiscal year 2018. The authorization act dealt with issues related to the Missile Defense Agency and Army procurement as well as research, development, test, and evaluation efforts, which are among the largest priorities for appropriations by the DOD.

The federal government has long had in place a 'cooling-off' period to prevent self-serving public servants from abusing their knowledge and connections in service of private interests. For example, in the executive branch a two-year 'cooling off' period exists for senior officials upon departure from their government positions, "barring representational communications to and attempts to influence certain other high-ranking officials in the entire executive branch of government." However, such existing measures fail to make a significant impact on the revolving door.

What's more, despite such measures, the revolving door has become a rapidly growing trend. In 2012, it was estimated that 50 percent of former house members and 60 percent of former senators became registered lobbyists. More recently, a 2019 study by the nonprofit Public Citizen found that nearly two-thirds of "former members of congress have moved into jobs working for lobbying firms, consulting firms, trade groups or business groups that seek to influence federal governmental policies."

The revolving door allows corporate interests to gain unfailing representation in government. Participants of this vicious cycle are, quite literally, in the room as decisions are being made about weapons contracts and systems of their former and prospective employers. Political empowerment of the people is stifled by the swirl of favors and influence, keeping true authority in the hands of those with pockets full enough to afford their position.

LOBBYING: PART ONE

On the morning of March 27, 2024, more than 300 Smith College students marched into College Hall, the school's administration building, and began an occupation demanding that the school sell its stock in weapons makers that are profiting from Israel's assault on Gaza. The mass action was set off by an email from an investment subcommittee of the school's board of trustees, refusing to sell what they described as a "negligible" amount of weapons stock in the school's endowment fund that is bundled with other investments into an exchange-traded fund created by BlackRock Investments, itself a major investor in weapons makers, including Lockheed Martin, Boeing and RTX/Raytheon.

By the end of the day, 50 students remained inside the building. They conducted an occupation that would last 13 days, setting a record for divestment occupations of College Hall. The last occupation had been held to force the school to sell investments in fossil fuels, and investments held in apartheid South Africa. The students voluntarily left the College Hall on April 9, holding a press conference in which they reported that the school's trustees were continuing to refuse to sell the weapons stock. The students moved their protest to a campus lawn and vowed to continue pressuring the school to divest.

Why would the board of trustees of Smith, a prestigious school with a significant number of left-leaning students and alumni, refuse to sell what the trustees describe as a "negligible" amount of weapons stock? What is so sacred about U.S. weapons stocks that not even the smallest amount can be sold, even when it is obvious to the whole world that weapons by the firms in question are being used in a real-time wholesale slaughter of Palestinians?

Two of our Tribunal episodes closely examine the lobbying conducted by the four defendant corporations, Lockheed Martin, Boeing, RTX/Raytheon and General Atomics. In the first we will talk about the origin and nature of the unique, highly protected Washington political ecosystem in which these firms grow and profit. In the second we will examine factors accelerating the growth in the wealth and influence of these defendants and how they are actively working to advance U.S. colonial ambitions, continually held unaccountable for the heinous war crimes they have enabled even before 9/11. We will also consider the future.

The Birth of the Military-Industrial Complex

Where did the U.S. military-industrial complex come from, and why is it so extraordinarily protected and subsidized by the U.S. Congress, the corporate press and the trustees of Smith College?

In his prophetic 1967 anti-war speech "Beyond Vietnam," the Rev. Martin Luther King Jr. traced the Vietnam war, along with other U.S. military interventions, to the determination on the part of

U.S. business and political leaders to protect and expand U.S. “overseas investment.” Noted economist Mason Gaffney writes,

Throughout the course of the 20th century, U.S. military spending has been largely devoted to protecting the overseas assets of multinational corporations that are based in the United States or allied nations. Companies extracting oil, mineral ores, timber and other raw materials are the primary beneficiaries. The U.S. military provides its services by supporting compliant political leaders in developing countries and by punishing or deposing regimes that threaten the interests of U.S. corporations....The U.S. Department of Defense provides a giant subsidy to companies operating overseas, and the cost is borne by taxpayers in the United States.

In 2023 - 24, this taxpayer subsidy to U.S. corporations and their investors in overseas business operations amounted to more than \$800 billion. That is the total of the Pentagon budget and nuclear weapons budgets for that year. Nuclear weapons provide the ultimate backup to claims that other nations and their peoples should be viewed within the U.S. “sphere of interest.” This money was largely devoted to protecting about \$3.9 trillion dollars in direct U.S. overseas investments, including \$31 trillion of U.S. investment in overseas stock and other indirect investments.

Professor Gaffney notes:

The U.S. military devotes a large portion of its resources to protecting those foreign investments, although it defines those assets as ‘the interests of the United States.’ Few people who use this language stop to think that those interests are mostly private, not public. Why should someone who invests in a company with oil fields in Angola, Kazakhstan or Sudan receive the protection of U.S. military forces without any charge?

John Perkins, author of *Confessions of an Economic Hit Man*, describes the U.S. military as “backup” to loans and other negotiations with foreign nations that establish economic and regulatory conditions favorable to U.S. corporations. Despite anti-war protestors’ efforts to draw attention to U.S. military support for corporations, as in the U.S. oil grab in Iraq, these connections are rarely acknowledged by U.S. officials and the corporate press. The worlds of U.S. wars and U.S. commerce are treated as separate realities. This is, of course, the nature of colonialism. Bankers’ suits are never stained with blood.

Note that the North Atlantic Treaty Organization (NATO) has grown alongside U.S. investment in Europe, developing into a tool of colonial penetration and exploitation, notably in Afghanistan, Libya and the Ukraine-Russia war, which is, among other things, a struggle for control of Caspian Basin fossil fuels.

The permanent U.S. military-industrial complex did not exist prior to World War II. Private and government weapons production increased for the U.S. Civil War and World War I, but was cut back when these wars were over. During and prior to this period, most of the people in the world lived, to varying degrees, under the political, economic and military control of European nations,

and of Japan. The so-called “developed nations” built their own domestic, relatively well-off economies by forcibly extracting food, raw materials and labor from the world’s less well-armed people, on the cheap, at gunpoint. These wealthier economies were and are violence-based, colonial economies, as was and is the U.S. economy, which was founded on the violent seizure of land from First Nations people and on slavery.

In the late 1800s and early 1900s, the U.S. entered into international colonial competition, intervening militarily on behalf of U.S. corporations in the Philippines, China and Central America, as noted by retired U.S. Marine General Smedley Butler in his famous book *War is a Racket*. Butler tells us:

I helped make Mexico, especially Tampico, safe for American oil interests in 1914. I helped make Haiti and Cuba a decent place for the National City Bank boys to collect revenues in. I helped in the raping of half a dozen Central American republics for the benefits of Wall Street. The record of racketeering is long. I helped purify Nicaragua for the international banking house of Brown Brothers in 1909-1912 (where have I heard that name before?). I brought light to the Dominican Republic for American sugar interests in 1916. In China I helped see to it that Standard Oil went its way unmolested.

After World War II, unlike after previous major U.S. wars, the U.S., along with the Soviet Union and China, emerged as the dominant global powers due to the war having crippled the military and economic bases of the European colonial nations, as well as Japan. At this historic moment, U.S. political leaders had a choice. The U.S. could support colonized people around the world in their long struggles to stop the theft of their resources and labor. Or, the U.S. could try to pick up the reins of colonial power dropped by the Europeans and Japan, using its military to enforce existing systems of exploitation that were impoverishing millions. Tragically for humanity, the U.S. chose colonialism.

This is not surprising since the European settlers of what would be called the United States brought with them notions of the righteousness of unlimited private ownership of property, speculation, racism and militarism that would lead to the development of plantation slavery, which provided a powerful model for the values and organization of corporations generally.

In his classic *A People’s History of the United States*, Howard Zinn notes that in 1946 the trade publication *Steel* declared that policies of then-President Harry Truman gave “firm assurance that maintaining and building our preparations for war will be big business in the United States for at least a considerable period ahead.” At that point, many weapons makers, particularly warplane makers, feared a dramatic decline in income as the U.S. looked toward dismantling the wartime industrial behemoth that had produced, among other things, 300,000 airplanes, 100,000 tanks, 41,000 guns and howitzers, 900 navy cruisers and destroyers and 27 aircraft carriers.

In his book *Prophets of War: Lockheed Martin and the Making of the Military-Industrial Complex*, William Hartung says that in 1947, then-President of Lockheed Martin Robert Gross, “was pining for the good old days of World War II.” Gross continues, in a quote Hartung takes from a letter, “We had one underlying element of comfort and reassurance during the war — we

knew we would get paid for whatever we built. Today we are almost entirely on our own, the business is extremely speculative, and with a narrow market the competition is very keen.”

Gross intensively lobbied Congress to fund “air power that is adequate, continuous and permanent, and this in so doing will secure for a world that continuously needs it, peace, but peace with justice.” William Hartung notes, “This practice of equating the aircraft industry’s interest with the national interest was to serve Lockheed and its rivals well in the decades to come.”

The Korean War was the first major war resulting from the U.S. choice for global colonialism. The war made it clear to U.S. political and corporate leaders that if the U.S. were to pursue corporate and military dominance around the world, it would need what Gross and other weapons makers wanted, a substantial, permanent military industry, which President Dwight Eisenhower would call in 1960 the military-industrial complex. This development was further encouraged by competition from the Soviet Union and China, challenging U.S. corporations for economic dominance in the disintegrating colonial world by providing weapons for newly liberated governments seeking to regain control of their resources under a political economic analysis calling for a redistribution of wealth.

As U.S. leaders moved to maintain a dominant colonial military edge, certain strategies evolved to build and maintain taxpayer support for the emerging, and increasingly expensive, military-industrial complex. First, the U.S. government must constantly frighten the public about overseas threats. What’s more, these threats to U.S. overseas investment must be described as threats to “U.S. interests,” as Mason Gaffney notes above, implying that the goals of U.S. corporate bosses and investors are one and the same with those of all U.S. citizens.

Howard Zinn notes:

When, right after the war, the American public, war-weary, seemed to favor demobilization and disarmament, the Truman Administration worked to create an atmosphere of crisis and cold war...The Truman Administration, however, presented the Soviet Union as not just a rival but an immediate threat...Revolutionary movements in Europe and Asia, and elsewhere were described to the American public as examples of Soviet expansionism.

The U.S. government continues to manufacture and exaggerate threats of “terrorism,” “Russia,” “China” to justify military intervention and military spending, describing economic challenges to U.S. corporations as military challenges to the United States and its citizens.

As the Trappist theologian Thomas Merton observed in a 1961 essay:

At the root of all war is fear: not so much the fear men have of one another as the fear they have of *everything*. It is not merely that they do not trust one another; they do not even trust themselves.... It is not only our hatred of others that is dangerous but also and above all our hatred of ourselves: particularly that hatred of ourselves which is too deep

and too powerful to be consciously faced. For it is this which makes us see our own evil in others and unable to see it in ourselves.

The George W. Bush administration's lies about Iraq having nuclear weapons promoted the U.S. occupation of Iraq, which ended the Iraqi government's nationalized control of its oil. This is perhaps one of the most gross, obvious and tragic examples of the U.S. government generating fear in order to boost corporate profit.

Arguably, the government finds fertile ground for fear and militarism in the U.S. public because of an inherent fear of "the other" generated by the U.S. colonial past. In a 2022 essay writer Chris Corrigan observes, "We have to come to terms with colonization. Until we do, it will continue to infect our cultural veins with guilt, fear and shame that will continue to drive a toxic mix of fascism and white supremacy in policy and in the civic sphere."

Concealing Killing and Suffering

At the end of the Korean War in 1950, 40,000 U.S. troops, out of an estimated 3 million dead, most of them civilians, had been killed. Then-President Dwight Eisenhower, realizing that the American public was too war-weary to want to send forth U.S. troops to aid U.S. corporations in their confrontations with anti-colonialist movements, turned to the CIA to undertake secret schemes to back U.S. corporate goals.

Eisenhower ended his two terms as President in 1961. Before leaving office, he warned about the dangerous power of the military-industrial complex. However, in his presidency he approved a stunning array of CIA and small military actions in the U.S. "national interest," arguing that these actions were intended to thwart Communism, always a thin claim, which in any case has not stood the test of time.

These actions led to hugely destructive and notorious armed conflicts and political and economic disasters that continue to bring immense pain, suffering and poverty to the world today, notably the wars aimed at the control of oil. Inevitably, these secret, relatively small scale acts of colonial gangsterism have led to massive increases in the size and influence of the U.S. military-industrial complex and the wealth of investors who profit from it. Below we detail some of the most egregious examples of such gangsterism.

Iranian Oil Intervention – 1953

Shortly after being inaugurated in 1953, President Eisenhower approved a CIA plot to work with the British to overthrow the Iranian elected government led by Mohammad Mosaddegh. Mosaddegh had nationalized the Iranian assets of the Anglo-Iranian Oil Company, a British company that is now part of BP. The government that replaced Mosaddegh's allowed U.S. oil companies to manage its oil supplies. The coup, which can be seen as the first U.S. strong-arm

intervention for control of Middle East oil, led to the 1978 Iranian revolution and has a great deal to do with conflicts between the U.S. and Iran today.

Overthrow of the Guatemalan Government – 1953

In 1953, with the help of the United Fruit Company - think Chiquita Banana - the CIA engineered the violent overthrow of the elected government of Guatemalan President Jacobo Arbenz, in large part because of the land reform in which 400,000 acres of United Fruit property was seized, with compensation based on what the company valued it at for tax purposes. Arbenz was replaced by a series of U.S.-supported dictators, which led to a civil war, sustained poverty and the violent deaths of over 100,000 Guatemalans. The resulting flight of Guatemalans to the U.S. continues today.

Support of the South Vietnamese Government – 1954

In 1954 President Harry Truman, Eisenhower's predecessor, sent money to France to help it reestablish its colonial control of Vietnam, which had been lost in the Japanese invasion of 1940 just prior to the U.S. entry into World War II. President Eisenhower wisely refused to send U.S. troops to aid the French, who were militarily defeated in 1954 by Vietnamese nationalist forces in North Vietnam. Instead, he supported CIA sabotage against North Vietnam, in violation of the Geneva agreement that intended eventual reunification of North and South Vietnam, which the U.S. did not sign.

The Miller Center reports:

Eisenhower chose to invest huge sums of money and prestige in transforming South Vietnam into a showcase of a "new Free Asia." Spending billions of dollars, sending military advisers, supporting the increasingly brutal tactics of the South Vietnamese regime of Ngo Dinh Diem — all this effort would help create a pro-American bastion in Southeast Asia and halt Communism.... Ike managed to avoid an American war in Vietnam during his two terms. But he invested so much American prestige and effort in the success of South Vietnam that by the end of the 1950s, America had become deeply invested in its fate. Eisenhower created an American Vietnam, and his successors would wage a bitter-and failed-war to keep it.

U.S. Invasion of Lebanon – 1958

In the first U.S. military invasion to protect U.S. oil interests in the Middle East, President Eisenhower sent 14,000 U.S. troops to occupy Lebanon to support its president after a violent coup in Iraq that threatened to spark nationalist rebellions which might have threatened Western control of certain Middle East oil supplies. The invasion served notice that the U.S. would use

military force to back up what was known as the Eisenhower Doctrine of 1957. That doctrine asserted that the U.S. would intervene militarily in the Middle East to stop the spread of Communism. It was understood as a counter to the popularity of the nationalism promoted by Egypt's Gamal Abdel Nasser and the threat nationalism presented to Western control of Middle East oil.

The Bay of Pigs – 1960

Fidel Castro nationalized U.S. banks, oil refineries and coffee and sugar plantations after the 1959 revolution. In 1960, President Eisenhower approved a CIA plan for an invasion of Cuba by anti-Castro Cubans. The invasion, launched in 1961 by President John F. Kennedy, Eisenhower's successor, was a fiasco that irreparably marred the reputation of the U.S. around the world. It led both to Operation Mongoose, which was intended to assassinate President Castro, and to the Cuban Missile Crisis.

The Murder of Patrice Lumumba – 1960

Patrice Lumumba became the first elected prime minister of the Democratic Republic of the Congo in June 1960. Lumumba was viewed as a threat to European and American business interests in the Congo, a nation larger than Alaska and rich in ivory, rubber, gold, timber, palm oil and other resources. President Eisenhower approved a plan to kill Lumumba, who was assassinated in January 1961 by accomplices of Mobutu Sese Seko, the U.S.-backed President of the Congo who plundered the country until 1997, when he fled a coup. The Congo remains in turmoil. It is estimated that at least 6 million people have been killed in conflicts within the Democratic Republic of Congo in the last three decades alone.

During these interventions into the so-called developing world, the U.S. corporate press did not give the public any sense of the colonial goals of these CIA and military operations, nor was the public informed of the abuse and suffering being visited on people overseas as a result. This curtain concealing the human consequences of U.S. colonial intervention was shredded in the mid-1960s when daily televised war reports from Vietnam relentlessly showed the U.S. public U.S. soldiers and Vietnamese being killed, wounded and brutalized. These images brought the reality of war home in a way that had never happened before in any war, leading the U.S. public into mass protests as they concluded that the killing had to stop.

But, for most U.S. citizens, the Vietnam War was a one-off mistake in judgment and execution, a war that should not have happened and the like of which would never happen again. It was not understood by most of the U.S. public for what it was, a failed colonial war that did nothing to end the colonial ambitions of U.S. corporations and their supporters in Washington. For the beneficiaries of U.S. colonialism, the primary lesson of Vietnam was that reporters, photographers, and especially television reporters, must be given as little access as possible to

the realities of killing and suffering, first to U.S. troops and, secondarily, to those being killed, wounded, tortured and otherwise made miserable by U.S. forces.

As with all U.S. wars, the U.S. government continually worked to shape the narrative being presented in the mainstream and alternative press, generally with the greatest success in mainstream media corporations that were interlocked with the many corporations benefiting from U.S. colonialism. Explaining a lawsuit that he filed in 2002 to expand press access to the U.S. invasion of Afghanistan, and lost, *Hustler* magazine publisher Larry Flynt said:

First of all, a long tradition exists in this country, dating to the Civil War, of journalists being allowed to accompany troops on the battlefield. That continued through World War I, the Second World War, Korea, and Vietnam. **Think how many lives possibly were saved by the press's reporting of the war in Vietnam.** But after Vietnam, presidents and high-ranking officials began treating the press as adversaries. Reagan invaded Grenada. President Bush senior invaded Panama and then ran the Gulf War. In each case there were severe restrictions on the press. Afghanistan is the straw that broke the camel's back. The American people have a right to know how the military is conducting the war. The press has an obligation to report it. It's an important First Amendment issue. This lawsuit should have been filed by the mainstream press, not me. But I think they're too worried about who is going to get the next interview with George and Laura Bush.
[emphasis added]

As the *Columbia Journalism Review* reported in 2002, “During the first three months of the U.S.-led campaign in Afghanistan, U.S. journalists were denied access to American troops more than in any previous war involving U.S. military forces.” In one case, the *Review* said, U.S. Marines locked news photographers in a warehouse on Kandahar air base to prevent them from photographing U.S. troops who had been struck by a stray U.S. bomb. In another incident of censorship, the *Review* reported, U.S. military PR staff severely limited press coverage of a U.S. air attack in July 2002 that killed at least 48 Afghan civilians who were attending a pre-wedding party.

With the U.S. invasion of Iraq in 2003, the Pentagon “embedded” reporters in U.S. military units, attempting to ensure that reporting would be from the perspective of U.S. officials and troops. A study released in 2006 by Andrew Lindner, a Penn State graduate student in sociology, found that embedding resulted in “more articles about the U.S. soldiers' personal lives and fewer articles about the impact of the war on Iraqi civilians.” Analyzing nearly 750 articles by 156 journalists, published from the opening day of the invasion on March 19, 2003, to May 1, 2003, Linder found that independent, unembedded, journalist articles were most used by the *New York Times* and least used by *USA Today*, which published only reports from embedded journalists.

With rare exceptions, such as have been noted in previous Tribunal episodes, U.S. press coverage ignored the human impact of the U.S. military and its weapons, whether in specific countries or globally. Indeed, the U.S. coverage of U.S. weapons being used in Ukraine is almost exclusively positive.

However, worldwide social media coverage, including U.S. social media coverage, and the reporting of media networks such as Al Jazeera, made many aware of the massive suffering of Palestinians resulting from Israeli assault on Gaza and the West Bank after the October 7, 2023 Hamas attack on Israelis. There is now a sharp critical and global focus on the wretched reality of modern warfare and the U.S. weapons being used, most of them being produced by tribunal defendants Lockheed Martin, Boeing and RTX/Raytheon. As we have shown in previous tribunal episodes, what has happened to Palestinians is a highly concentrated form of U.S. warfare that began in Iraq in the mid-2000s.

As Larry Flynt suggested, we can only wonder how many who died in U.S. wars since 9/11 would be alive today if the reality of these wars had not been concealed from the public by the U.S. government. Indeed, since the Vietnam War, the U.S. government has orchestrated a massive campaign to disengage the consciences of the U.S. public by systematically depriving them of the knowledge they need to fully understand the meaning and human consequences of these wars.

Limiting U.S. Casualties

As a result of the profound unpopularity of the Vietnam War, the U.S. ended the military draft and created an all-volunteer professional military. Political and military leaders have sought to limit casualties, notably through intensive aerial bombing, which has only served to dramatically increase the killing and wounding of civilians.

Since 9/11, not to mention the Gulf War, the U.S. bombed combatants in Iraq, Afghanistan, Somalia, Pakistan, Syria and Libya who were essentially defenseless against air attacks. As we have seen in earlier tribunal episodes, intensive air attacks, often in cities, have been conducted against relatively few combatants to avoid sending troops into harm's way, with devastating effects to civilians, not only in direct killing but in the destruction of vital public water, sanitation, electrical and health services needed for survival. In addition, drones have been increasingly used, which has been said to save the lives of U.S. soldiers and reduce unintended collateral killing. Evidence over the last 20 years suggests, however, that drone killing has caused massive collateral killing and terrorized thousands in target zones, increasing hatred toward U.S. troops.

Nevertheless, the killing of relatively few U.S. troops since 9/11 as compared to previous U.S. wars has meant far fewer U.S. families grieving the loss of someone they love, and a mass willingness to accept permanent war as a condition of life in the U.S. as well as a source of investment income and jobs. This in sharp contrast to World Wars I and II when profiting from war was considered despicable.

The suffering of many U.S. soldiers, who in some basic ways have been treated like drones, returned over and over again to multiple combat tours, is ignored by both the American public and political and military leaders as a “cost of doing business.” In 2021, 6,392 veterans died by

suicide, according to figures released by the Veterans Administration in 2023; 114 more than in 2020. This was the second leading cause of death for veterans under age 45. The number of women veterans committing suicide rose 24.1 percent, to a total of 350. Suicides of active duty military personnel increased from 75 in the first quarter of 2022 to 94 in the first quarter of 2023.

Concealing the Financial Cost of War

World War II, the most financially costly U.S. war to date, was paid for in part by increasing the numbers of people paying taxes as well as the tax rates themselves, which for the very wealthy was 94%. The public also financed more than half of the \$300 billion cost of the war, in 1945 dollars, by purchasing war bonds. These were loans to the government, to be repaid at minimal interest over time. Huge numbers responded to a national war bond drive campaign that engaged celebrities such as movie star Hedy Lamarr, who said she would kiss anyone who bought at least \$25,000 worth of bonds.

The U.S. public paid for 100% of the Korean War through tax increases, with the wealthiest paying at a rate of 92%. President Harry Truman “believed it was morally right to ‘pay-as-you-go,’” reports Harvard University economist Linda Bilmes, “a term he coined and repeated in more than 200 speeches.” Nonetheless, the tax increases were unpopular — Truman was called “High Tax Harry” — which was a factor leading to his withdrawal from running for a second term in 1952. President Lyndon Johnson attempted to finance the Vietnam War without raising taxes, but this eventually had to be done in 1967, which was one of the reasons that he was forced to withdraw from seeking reelection in 1968. High income earners paid a rate of 77%.

“By contrast,” Professor Bilmes writes in a report for The Costs of War Project, “in 2001 and 2003, Congress cut taxes — the ‘Bush tax cuts’ — as we went to war in Afghanistan and Iraq. Since then, we have paid for these wars by piling up debt on the national credit card. No previous U.S. war was financed entirely through debt. I refer to these [post-9/11] wars as the ‘Credit Card Wars.’” Professor Bilmes notes that 90% of spending for the post-9/11 wars has come through supplemental appropriations, compared to 35% for Korea and 32% for Vietnam. This type of spending avoids spending caps and unpopular cuts from other parts of the budget. Bilmes concludes, “This process is less transparent, less accountable and has rendered the cost of the wars far less visible.”

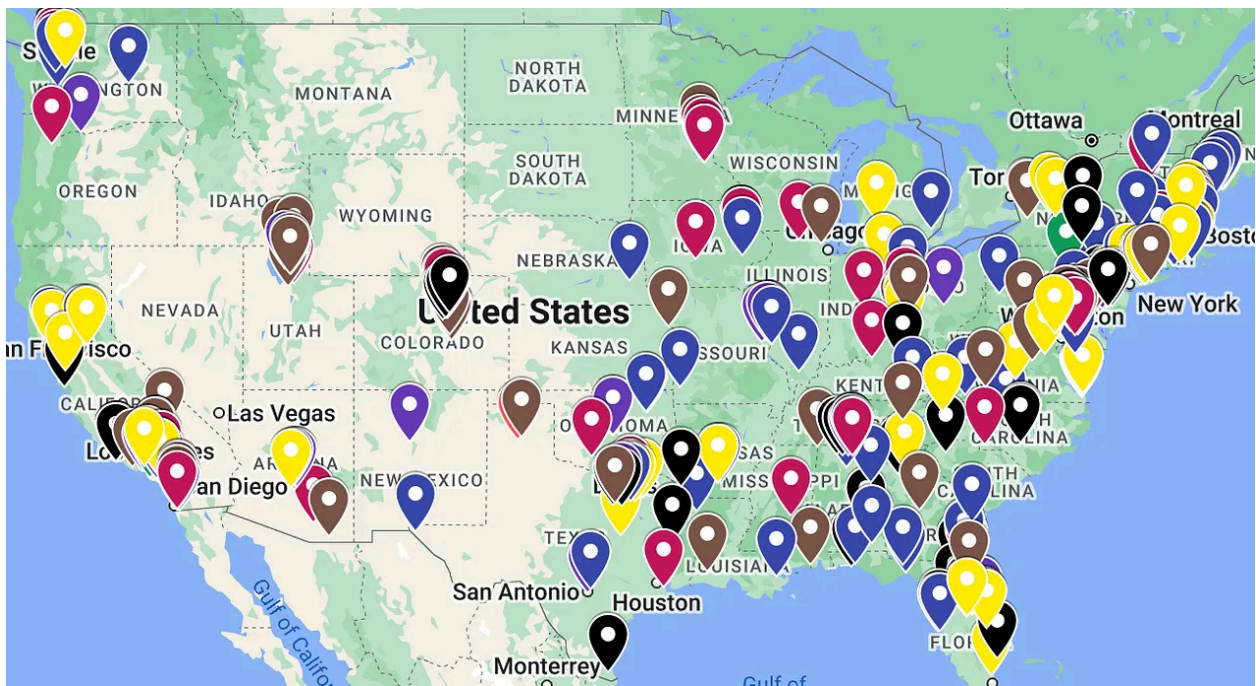
Financing the post-9/11 wars with debt has not only been a huge factor in prolonging them, because the general public feels less immediate tax pain; debt financing also means that in addition to the costs of the wars themselves, taxpayers have to pay a massive amount of interest on the debt for years. In a 2020 study for the Costs of War Project, Boston University Heidi Peltier explains, “If war spending ceased immediately, interest payments on the \$2 trillion of existing war debt would rise to over \$2 trillion by 2030 and to \$6.5 trillion by 2050. These interest payments will grow larger as the U.S. continues its post-9/11 military interventions and continues amassing debt to pay for the costs of war.” Professor Peltier points out that about 40 %

of U.S. public debt is held by foreign individuals and institutions, which means that this money is sent outside the U.S. and does not directly benefit the U.S. economy, if at all.

The post-9/11 wars, unlike World War II, Korea and Vietnam, have not resulted in increased taxes on wealthy U.S. citizens; quite the opposite. In her May 2023 testimony before the U.S. Senate Budget Committee, Senior Tax Legal Analyst for the Center for Budget and Policy Priorities Samantha Jacoby said, "...the tax cuts enacted in 2001 and 2003 under President Bush, most of which were made permanent in 2012, and those enacted in 2017 under President Trump — gave windfall tax cuts to households in the top 1 percent and large corporations, exacerbating income and wealth inequality." Jacoby told the senators that "the top 1 percent of households received average tax cuts of more than \$65,000 each year, totaling nearly \$700,000 in tax cuts" from 2004 to 2012, a period in which the wars in Iraq and Afghanistan were the costliest in dollar terms.

Ensuring That Weapons Making is Exceedingly Profitable

In fiscal year 2022, \$390.5 million, more than half the U.S. military budget, was spent on weapons and related maintenance and other services provided by 59,678 firms; the remainder went to military pay, health care and other support. These firms employed 1.1 million workers across the U.S., as shown on the map below, with California, Connecticut, Florida, Maryland, New York, Texas and Virginia getting the largest dollar amounts in contracts.



A 2008 Pentagon report notes that the weapons makers are in a unique position to make better-than-average profits, comparable with those of pharmaceutical makers, due to the U.S. government paying for:

- Product development and demonstration.
- Production tooling and manufacturing facilities.
- Purchase of unique tooling and facilities that may be necessary for a specific contract that would not be used if a contract is canceled.

In addition, the firms receive progress payments when production begins, thus avoiding using cash or borrowing. For new products, the weapons maker receives regular payments as work progresses, before the weapon is put into use. The Pentagon does not mention that weapons makers are not held accountable for faulty products killing civilians, nor do they pay for war crimes that have been enabled by their products, even as they continue to provide these products with the full knowledge of how the weapons are being used.

Weapons investment is also profitable because of the ambition of U.S. multinational corporations to constantly expand their markets, including in the extraction of oil and other natural resources. This means that war is a companion growth business, as exploited people turn to weapons to thwart exploitation. While weapons are far from the largest U.S. business in terms of revenue, coming in midway in the top 100, their capacity to kill gives them a uniquely powerful political position that translates into an especially privileged economic position.

The Motley Fool, a private U.S. financial and investing advice company, describes defense as just another stock to choose from: “Like many industrials, defense stocks tend to be more plodding than high-flying technology or biotech stocks. But that also means they are less volatile than some sectors. Defense stocks are best suited for income-oriented investors seeking steady growth and rising dividends rather than immense valuation increases.” Major investment brokers such as State Street Corp, Vanguard Group and BlackRock, Morgan Stanley, JP Morgan Chase and Bank of America Inc. are investors in one or more of the tribunal defendants Lockheed Martin, Boeing and RTX/Raytheon.

In 2022, the Pentagon created a fund to underwrite private loans to small corporations developing new technologies in new materials, sensors, quantum computing, battery storage and space communications. In 2023 U.S. Senator Elizabeth Warren wrote a letter to the Pentagon saying that some experts thought this fund, which had a projected budget of \$115 million in 2024, was “innovation theater” and “is already too cozy with private investment firms.” Given the gold rush by private investors to finance small firms creating technologies that have a military use, one could wonder why the Pentagon needs to sweeten investment deals in new technologies at all.

Pentagon funding “is much more secure and much more substantial,” Shana Marshall, associate director of the Institute for Middle East Studies at George Washington University, said in a Quincy Institute forum. She explains that a private investment firm may push a small company

that makes a high-tech commercial product, such as vehicle navigation, to become “a more purely sort of defense tech focused firm.” Marshall says that private investment money is flowing into weapons for the first time. Among other things, this allows for the creation of military technology with characteristics that allow it to slip past regulatory definitions intended to limit weapons transfers. This means creating weapons “so that it’s easier for other countries to import U.S. weapons systems.” She goes on, “they are not limiting their horizons to selling to the U.S. military, but it’s very much about a global industrial strategy.”

In the first quarter of 2024, the total amount invested in the stocks of top U.S. weapons makers totaled about \$900 billion dollars, with an additional \$140 billion coming from private investment.

Glorification of War and Weapons

The U.S. victory in World War II came with a dramatic improvement in living standards for most U.S. citizens, particularly for white citizens. The national culture had been so thoroughly propagandized about the goodness of the war, not least through movies like “Casablanca” and “They Were Expendable,” that war took on a glow as a basic necessary tool for national success.

After the war ended, movies like “The Best Years of Our Lives” and “Twelve O’clock High” gave a more realistic look, yet for most people in the U.S., World War II was a source of pride, and the U.S. government sought to anoint succeeding wars with a comparable feeling of patriotism and righteousness. Note, for example, the 1968 movie “The Green Berets,” in which John Wayne took his strutting bravado from colonial Westerns such as “She Wore a Yellow Ribbon” into the latest U.S. colonial war, Vietnam. This ethos also extends into advertisements and recruiting images: today’s warplane makers often show their aircraft with a heavenly light playing on them, including on unmanned drones.

The effort to appropriate World War II’s sense of patriotism and heroism to sell modern day U.S. warplanes perhaps reached its zenith with Northrup Grumman’s announcement that its new B-21 nuclear weapons-capable bomber would be named the Raider, in memory of a U.S. World War II bombing raid on Tokyo led by Lt. Col. James Doolittle and glorified in the film “Thirty Seconds Over Tokyo,” released in 1944, a year before the end of the war.

Concluding Episode One of Lobbying, we return to our initial question of why Smith College is so reluctant to sell even a small portion of weapons stock. Possibly it is because the board of trustees fears the sale would alienate major donors who support the current Israeli government, which is a major enforcer of the U.S. colonial system in the Middle East. Possibly it is because seven of the 31 members of the board of trustees have connections to firms such as J.P. Morgan and Carlyle Group that benefit from Pentagon spending. The board may also fear under-cutting other college and university boards that are even more dependent on income from corporate enablers of U.S. colonial enforcement. It is clear that the lives of the Palestinian people, or any other oppressed people, or the students, have no weight in the balance.

This is the wretchedly amoral, racist environment in which Lockheed Martin, Boeing, RTX/Raytheon and General Atomics flourish, at incalculable cost to the future of humanity.

LOBBYING: PART TWO

War, one of the Four Horsemen of the Apocalypse, rides a red horse.

To envision weapons lobbying in Washington DC, picture a race in which each weapons corporation is such a horse, endlessly competing with thousands of other red horses, trampling those below them to their deaths, while their owners, investors and political enablers crowd together at the trackside, betting on which horse will win, oblivious to the death and suffering before their eyes.

How does lobbying by the military-industrial complex work? Each year, Congress approves a Pentagon budget, which in 2024 is about \$900 billion. The amount in the budget, which is proposed by the President for approval by Congress, is determined by estimates of what it will cost to support about 800 U.S. overseas military bases, military pay, veterans support, overseas military action and the buying of weapons. The budget estimates for the costs of overseas military action and weapons are based in large part on the intentions of U.S. multinational corporations in regards to maintaining and seizing control of resources, particularly oil, and in supporting U.S. business interest in whatever ways they deem fit, including the threat, and often the use, of violence. The budget is approved with the full knowledge of the President and members of Congress that the money will reinforce numerous highly exploitative, corrupt business deals and practices and that the weapons will kill and terrorize hundreds of thousands, if not millions, of people.

As we have discussed, in 2024 \$390.5 billion in the Pentagon budget is set aside for weapons, and more than 59,678 corporations compete for Pentagon contracts that will give them a share of this bonanza. This is where lobbying by the military-industrial complex comes in. The most direct form of lobbying, which is effectively bribery, involves weapons makers giving campaign contributions to the President and members of Congress to expand their business and profits.

For example, in 2024, our four defendants spent the following on campaign contributions to the President and members of Congress. The third column is the amount spent on lobbyists, all as of May 3, 2024, for the 2024 election cycle.

	Campaign Contributions	Top Recipient	Lobbying
Lockheed Martin	\$759,076	Donald Trump - \$72,178	\$14.1 million
Boeing	\$966,233	Donald Trump - \$61,589	\$14.5 million
RTX/Raytheon	\$529,840	Donald Trump - \$62,887	\$11.4 million
General Atomics	\$1.12 million	GOP Senate Campaigns - \$259,062	\$7.6 million

In August 2023, the Merchants of Death Tribunal sent lobbying questionnaires by certified registered mail to the 110 members of Congress who have the most power over U.S. weapons

spending; they are the members of the U.S. Senate and House of Representatives Armed Services Committees and the members of the military subcommittees of the Appropriations Committees of each house.

The Tribunal received not one response to the questionnaire. Follow-up calls and emails to offices of several of the most powerful members complicit in carving out chunks of weapons money were futile. These included: Senator Jack Reed, chair of the Senate Armed Services Committee; Senator Elizabeth Warren, also a member of that committee; and Senator Susan Collins, ranking member of the Senate's defense appropriations subcommittee.

House members the Tribunal attempted to contact included: Congressman Mike Turner, chair of the House Intelligence Committee; Congressman Mike Rogers, chair of the House Armed Services Committee; and Congresswoman Chrissy Houlahan, member of the Armed Services and Intelligence Committees.

What we see, almost without exception, is that those members with the most power over the Pentagon budget take substantial amounts of money from corporations and organizations that want them, and other members, to:

- Increase the Pentagon budget overall and pressure the Pentagon to award them weapons contracts and to continue construction and service contracts.
- Protect their existing weapons contracts and revenue in the face of cost overruns, bad management and the production of faulty, grossly overpriced products.
- Help in getting clearances to export weapons overseas in spite of human rights concerns about the recipients of the weapons and in spite of the certainty that the weapons exported will contribute to bloodshed in and worsening relations between other nations.

The case of Republican Susan Collins, U.S. Senator from Maine, is a good example of how lobbying often works. Between 2019 and 2024, tribunal defendant Lockheed Martin gave Senator Collins \$75,976 in campaign contributions. It was Lockheed Martin's largest campaign contribution total to any Washington politician during that period, including President Joe Biden, to whom the warplane maker gave \$42,199. These figures are as of May 3, 2024. Senator Collins has for years championed Lockheed Martin's grossly mismanaged, overpriced F-35 fighter bomber program.

During that period, Senator Collins also received \$32,857 in campaign contributions from RTX/Raytheon, another tribunal defendant. In September 2023 Senator Collins visited the RTX/Raytheon Pratt & Whitney plant in North Berwick, Maine, which manufactures engines for F-35s, employing 2,100 people. Senator Collins issued a statement to mark the occasion, saying:

As the Vice Chair of the Senate Appropriations Committee and Ranking Member of the Defense Appropriations Subcommittee, I co-authored the Fiscal 2024 (FY24) Department of Defense Appropriations Act which includes 83 additional F-35 Joint Strike aircraft, full funding for Pratt & Whitney's engine core upgrade for the F-35 engine produced and

serviced by Pratt & Whitney, and additional funding for F-35 engine spares for the Air Force and Navy.

This was likely very good news for the workers at the Pratt & Whitney plant, North Berwick's largest employer, and the 11th largest employer in Maine. They were beneficiaries not only of Senator Collins' influential position but also of a massive cooperative lobbying push by the military-industrial complex to persuade Congress to increase the 2024 military budget.

In October 2023, *Open Secrets* reported that in the first half of 2023, weapons makers had spent \$70 million on lobbying to achieve the passage of another record military budget in the National Defense Authorization Act (NDAA). *Open Secrets* reports, "One of the largest coordinated lobbying efforts regarding the NDAA was centered around the procurement of F-35 combat aircraft, which is the most expensive U.S. military project to date. Analysts project the program will cost the federal government \$1.7 trillion over its 60-year duration." Lockheed Martin's chief lobbyist in this effort, *Open Secrets* reported, was Kristine Fauser, formerly the defense and national security advisor to Senator Collins.

The F-35 Lightning II program originated in the late 1990s, and the first F-35 flew at the end of 2006. Three variants went into use by the U.S. Air Force, Marines and Navy between 2015 and 2019. F-35s have been sold to 16 other countries, including Israel, where its first combat mission was flown in 2018. Lockheed Martin named the F-35 Lightning II in an attempt to baptize it as the descendent of Lockheed's highly effective World War II fighter, the P-38 Lightning, the only fighter to be produced throughout the war. So far, about 990 F-35s have been built; 2,456 are planned for production through 2044.

But the F-35 has been plagued from its beginning by a variety of mechanical, software and management problems that have led to delays in introduction into service, downtime, and crashes. In its latest report on the F-35, in April 2024, the Government Accountability Office (GAO) said:

...DOD's projected costs to sustain the F-35 fleet keep increasing — from \$1.1 trillion in 2018 to \$1.58 trillion in 2023. Yet DOD plans to fly the F-35 less than originally estimated, partly because of reliability issues with the aircraft. The F-35's ability to perform its mission has also trended downward over the past 5 years. We've made 43 recommendations to improve the F-35 program in recent years. DOD has yet to implement 30 of them.

Lockheed Martin is largely in control of maintenance of the F-35, which is seen as a problem affecting the supply of spare parts, lack of support equipment and technical data, and installation of software and hardware upgrades. The plane has also suffered from engine overheating. In 2023, the GAO said that the Pentagon needed to take the problem of solving engine overheating out of Lockheed Martin's hands. In May 2023, the GAO reported that more than one million F-35 spare parts, worth \$85 million, have gone missing since 2018, and possibly longer. The parts missing from the inventory managed by Lockheed Martin include, the GAO said, "engines;

tires; landing gear; and other parts, such as bolts, screws, and fasteners.” As noted above, Senator Collins has always protected the F-35 and Pratt & Whitney.

In February 2019, while the GAO was finding that Lockheed Martin was seriously mismanaging its F-35 program and that the planes were unable to fly 30 percent of the time because of parts shortages, Senator Collins joined four other senators from states where portions of the F-35 were made in sending a letter to then-President Donald Trump, opposing the purchase of competing Boeing F-15s that are “neither lethal nor survivable against today’s advanced threats.” Investing in the F-15s would be, Senator Collins and her four colleagues wrote, “a disservice to service members and taxpayers.” The Pentagon eventually purchased the F-15s.

In 2021, the non-governmental Center for Arms Control and Non-Proliferation made the following recommendation, which was not followed: “Congress should reduce or suspend procurement plans until all major problems with the F-35 identified by the DoD are resolved, life cycle costs are properly budgeted for, and the aircraft is able to perform the missions for which it is designated.” In 2024, it is likely that Senator Collins was influential in the writing of binding guidance language for the use of Pentagon funds that ensures that Pratt & Whitney will continue to provide engines for the F-35 and not the alternative General Electric engines that are preferred by Lockheed Martin.

Senator Collins received \$16,000 in campaign contributions from 2019 to 2024 from the aerospace company TransDigm Group, which may be related to the firm’s production of parts for the F-35, as well as other military aircraft. In 2019, the House Committee on Oversight and Reform heard from Theresa Hull, Pentagon Assistant Inspector General for Acquisition, that an audit of sales of 47 spare parts that Transdigm subsidiaries sold to the military between 2015 and 2017 found that for 46 of the parts, TransDigm made profits ranging from 17 % to 4,000 %, garnering \$16.1 million in excess profit.

Congressman Rho Khanna, presiding at the hearing, said that in 2006, the Pentagon Inspector General “found that TransDigm engaged in the exact same type of behavior, to overcharge the Department of Defense by \$5.3 million.” He continued, “While companies are bilked by taxpayers, the CEOs have done very well. In 2017, Mr. [Nicholas] Howley [TransDigm’s executive chairman] earned a total of \$61 million, receiving more compensation than the CEOs of Microsoft, IBM and Boeing combined.” He said further that a former TransDigm official told committee investigators that “TransDigm overcharging the Pentagon was like taking candy from a baby.” Significantly, Glenn Fine, the Pentagon Acting Inspector General, told the hearing, “First, it is important to note that the issues raised in our audit are not limited to just this company and its contracts with the DOD. These findings are representative of ones we have highlighted in our audit reports going back many years.”

TransDigm was one of several other major weapons makers, including Lockheed Martin, Boeing and RTX/Raytheon, that were charged with price gouging in a May 2023 *60 Minutes* broadcast. The coverage led Senators Bernie Sanders, Elizabeth Warren, Ron Wyden, Chuck Grassley and Mike Braun to send a letter to Defense Secretary Austin, calling on him to report on the Pentagon’s progress in stopping price gouging, which the letter noted had been historically

ineffective. The senators stated, “Lockheed Martin, Boeing, Raytheon and TransDigm are among the offenders, dramatically overcharging the Department and U.S. taxpayers while reaping enormous profits, seeing their stock prices soar, and handing out massive executive compensation packages.”

Pro-Israel Support

It is also important to note that, according to OpenSecrets, between 1990 and 2024 Senator Collins received a total of \$646,758 in campaign contributions from pro-Israel groups: such contributions are not uncommon among her colleagues. These contributions must be viewed as weapons-related, Congress having provided Israel with about \$3 billion in military aid every year since 1950. In April 2024, as the genocidal Israeli bombing of Gaza continued, Reuters reported: “Israel is in the process of buying 75 F-35s and - as of last year - had taken delivery of 36, paying for them with U.S. assistance.”

Other Weapons Makers Contribute

Senator Collins also received campaign donations from 2019 to 2024 from General Dynamics and Anduril Industries, which are described below:

General Dynamics - \$30,752. This was related to General Dynamics’ operation of the Bath Iron Works (BIW) ship building facility in Bath, Maine, which employs 11,000.

"BIW is an economic powerhouse in the state of Maine. It employs individuals who live in all 16 counties of our state," Senator Collins said in 2022. "BIW is a key contributor to our national security through the destroyers it constructs. Those are the best destroyers.”

In April 2024, immediately after a Pentagon supplemental \$95 billion was approved by Congress for aid to Israel, Ukraine and Taiwan, Senator Collins and Democratic Senator Jon Tester, chair of the Senate Appropriations Committee, talked about the probable likelihood of even more Pentagon spending. As reported by *Politico*, Senator Collins commented, “It’s clear that the budget is woefully inadequate. This is the lowest number of ships requested by the Navy in 15 years. And China keeps building its navy bigger and bigger. That’s just one example of the inadequacy.”

Anduril Industries - \$11,400. Anduril develops artificial intelligence autonomous guidance systems for drones and other weapons. It has also provided electronic sentry towers at the U.S.-Mexico border.

Gregory Kausner, who is in charge of selling Anduril products overseas, was the under and deputy secretary of defense for Acquisition and Sustainment as well as deputy director of the Defense Security Cooperation Agency, which, as we will discuss later, acts as a sales agent promoting deals between U.S. weapons makers and foreign governments.

Over a four-week period in April and May 2024, the following military contractors made campaign contributions to Senator Collins, despite the fact that she is not up for reelection until 2026:

Fluor - \$18,091

Parsons - \$16,798

Boeing - \$15,473

Northrup Grumman - \$14,820

Investment Bank Support

Senator Collins received \$49,675 in campaign contributions from the Goldman Sachs investment company between 2019 and 2024. Goldman Sachs has significant holdings in major weapons makers; its top three are Lockheed Martin, RTX/Raytheon and Boeing, in that order. The hedge fund Vltava described the financial benefit of investing in Lockheed Martin (LMT) in this way:

LMT is one of the world's largest aerospace and defense companies. The war in Ukraine has reminded investors and the wider public just how important these companies are. The aerospace and defense industry in the USA is an established oligopoly. This means that a few large firms play a dominant role. While collectively they comprise an oligopoly, individually they often have monopoly positions in particularly narrower segments. Their main counterparty [financial backup] is the U.S. government, a key customer in what is known as a monopsonist position. This is a rather unusual situation, but one that is very advantageous for companies such as LMT.

Lobbyist Support

Most members of Congress receive campaign contributions from law and lobbying firms that sell themselves on knowing how to help their corporate clients get favorable language into legislation or regulations and how to head off political trouble. The law firm Sullivan & Cromwell, which has lobbied on banking issues, gave Senator Collins \$39,348 in campaign contributions between 2019 and 2024.

Sullivan & Cromwell was a financial advisor to the aerospace and defense company Aerojet Rocketdyne Holdings Inc. in an anticipated deal that would have seen Aerojet sold to Lockheed Martin in 2021. The deal was blocked by the Federal Trade Commission as anti-competitive, and Aerojet was purchased in 2023 by L3Harris. Just prior to its purchase by L3Harris, Aerojet received a \$216 million Pentagon contract to improve its capability to provide rocket motors for artillery missiles being sent to Ukraine. It is not clear that Senator Collins had anything to do

with the Aerojet deal, but she received an \$8,000 campaign contribution from the L3Harris PAC in 2020.

Senator Collins also received a \$12,200 contribution from the technology company S-3 Group between 2019 and 2024. S-3 clients include: Boeing; General Atomics; ammunition maker Olin; military construction contractor Parsons; RTX/Raytheon and United Launch Alliance, a space launch company serving the military.

Personal Investments

In 2022, according to *States Newsroom*, Senator Collins reported she was a beneficiary of Boeing and RTX/Raytheon stock owned by her husband, Thomas Daffron, worth in total between \$30,000 and \$100,000. The news service reported that the household assets of Senator Collins and her husband included at least \$1.2 million in stocks for Apple, UnitedHealth Group and Union Pacific Railroad, among others.

Senator Collins' net worth soared in 2012, according to OpenSecrets, rising from about \$200,000 to slightly more than \$4 million when she married Mr. Daffron, a former lobbyist and Capitol Hill aide whom she met in 1974 when she worked as an intern in the Congressional office of fellow Mainer William S. Cohen. Cohen was later elected to the U.S. Senate, Daffron becoming his chief of staff. Cohen became Secretary of Defense in 1997, later funding the Cohen Group, which describes itself as providing "global business consulting services and advice on tactical and strategic opportunities in virtually every market." The Group's senior counselors include former U.S. General and Pentagon Secretary James "Mad Dog" Mattis.

We know about Senator Collins' indirect stock holdings because Congressional ethics rules require disclosure of assets valued at more than \$1,000. A Collins spokesperson said in a statement, according to *States Newsroom*, "Tom Daffron has no involvement in the purchase or sale of any of the stocks in his diversified portfolio. These investments are made solely by a third-party advisor. Senator Collins herself does not own any stocks." In 2020, the investigative journalism site *Sludge* reported that 51 members of Congress and their spouses owned between \$2.3 and \$5.8 million dollars of stock in weapons makers even though many of them were in a position to profit from their votes.

In February 2023, U.S. Representative Rashida Tlaib put forward a bill to ban members of Congress, their spouses and dependent children from owning or trading in stock of *any* company doing business with the Pentagon. "My colleagues continue to funnel billions of American tax dollars to the very same defense contractors that many of them are invested in and taking campaign donations from," Representative Tlaib said. Her bill is entitled "Stop Politicians Profiting from War Act."

The Project on Government Oversight points out:

There are few, if any, rules in place that restrict or prohibit members of Congress who sit on committees that oversee and legislate defense policy from holding direct personal financial stakes in defense companies, including through the ownership of stock. This means there is nothing stopping members of the House and Senate Armed Services Committees (as well as each chamber's respective defense subcommittee of the Appropriations Committee) from directly tying their own personal financial interests to the financial interests of defense contractors, all while passing laws that would steer billions of tax dollars to those very same companies. Again, these contracts total hundreds of billions of dollars each year.

Weapons Making Jobs

As we saw earlier in Senator Collins' remarks about Maine, jobs are an extremely important consideration in her support of weapons making; this is true of federally elected officials throughout the U.S. Arguably, weapons spending is the largest Federal jobs program in the U.S. However, it appears that white men are the primary direct beneficiaries.

A study by Gitnux, a business research firm, found the following workforce composition in the aerospace and defense industry, which is a major part of the U.S. weapons industry:

- African Americans - 6% in 2024
- Hispanic or Latinx workers – 8% in 2020
- Women – 24% in 2020
- Women in executive positions - 18% in 2018
- Women in engineering apprenticeships – 8% in 2019
- LGBTQ+ – 4.5% in 2024

Weapons making as a jobs program presents other drawbacks as well: it is not evenly spread throughout the United States. And although there is weapons-related work in all states, the largest dollar volume of weapons work appears to be done in Texas, California, Virginia, Connecticut, Massachusetts, Pennsylvania, Kentucky, Alabama and Arizona.

In an article in *War on the Rocks*, defense and aerospace market specialist Doug Berenson explains:

The American defense industrial base is quite concentrated, at least at the prime contractor level. Over three-quarters of the value of Pentagon prime contracts awarded within the United States go to firms in just 15 states. And that concentration is growing: according to Defense Department data, between Fiscal Year 2012 and Fiscal Year 2020, the share of total defense contract value executed in these 15 states grew from 74.8

percent to 77.6 percent. (And the share of total defense contract value executed in the top 10 states grew from 62.5 percent to 66.7 percent.)

The same 15 states that account for such a large share of contract dollars also house over 60 percent of active military forces stationed inside the United States and nearly 60 percent of all Pentagon civilian employees who are not based overseas. States like California, Florida, Texas, and Virginia, for example, have long been home to tens of thousands of active-duty military personnel, who depend on support services and supplies provided by local firms.

While there is a clear immediate jobs benefit from weapons making and maintenance in some states, over the long term, weapons making as a jobs program and economic generator is a negative, not a positive. This is because:

- After being produced, weapons sit in storage or are destroyed, rather than multiplying jobs and meeting other civilian needs, as does housing construction. Maine is said to have an 80,000 unit housing shortage in 2024, part of a nationwide U.S. housing shortfall that is driving up rents and the cost of homes.
- Weapons used by the U.S. and other colonizers to suppress overseas labor movements keep overseas wages low, creating a competitive disadvantage for U.S. workers and encouraging U.S. businesses to move overseas. Maine, for example, has experienced a departure of businesses to lower-wage areas in the U.S. and overseas.
- U.S workers will be increasingly producing AI surveillance and autonomous weapons, including small drones, that will be used to repress workers in the U.S. and around the world.
 - Anduril, which as noted above gave Senator Susan Collins a \$11,400 campaign contribution, is one of the leaders in creating AI and autonomous weapons technology that is extremely dangerous with respect to human rights, being both little understood and wholly unregulated.
- Weapons production attracts researchers, engineers and technicians away from the critically essential work of responding to the existential challenge of climate catastrophe, one example of which might be dramatically increasing energy efficiency in land, sea and air transportation.

Promoting Overseas Weapons Sales

Selling U.S. weapons overseas is not only a moneymaker, but a colonizing force supporting the global expansion of U.S. and other western multinational corporations. With the weapons comes U.S. influence, and to varying degrees, control over other governments' military and politics as they become dependent on U.S. weapons.

The U.S. is the world's largest weapons exporter, followed by France, Russia and China. In 2023, transfers of U.S. weapons to foreign governments rose 16%, to reach a total of \$238 billion. There is constant global competition for weapons sales, which can most accurately be thought of as efforts to carve up the world among gangs of mobsters, continually contesting to control markets and territories.

The overseas sales staff of U.S. weapons makers thus become missionaries, of a sort, for U.S. militarization and colonization. Norman Augustine, for example, when he headed Lockheed Martin in the mid-1990s, toured eastern and central Europe preaching the expansion of the North Atlantic Treaty Organization (NATO) while making weapons deals.

William Hartung, author of *Prophets of War*, elaborates: "In Romania, [Norman Augustine] pledged that if the government would buy a new radar system from Lockheed Martin, the company would use its influence in Washington to promote Bucharest's NATO candidacy. In other words, a major defense manufacturer expressed willingness to reshape U.S. international security policy in order to secure an arms order."

Should weapons makers need help in sealing a deal, the Pentagon's Defense Security Cooperation Agency is effectively a sales agent assisting the corporations. In a 2019 Brookings Institute interview, Army Lt. General Charles Hooper, then head of the agency, said that at any given time, the agency was overseeing 14,000 arms deals involving 185 countries. Interviewer Michael O'Hanlon noted that figure as comprising 90 percent of the nations on earth. The lieutenant general goes on to describe how selling weapons to other nations gives the U.S. special treatment, citing Egypt's willingness to expedite the passage of U.S. military vessels through the Suez Canal and approval of overflight rights to U.S. military aircraft.

When Lieutenant General "Hoop" Hooper retired from the Army in 2020, he became a senior counselor at The Cohen Group, and in 2023 joined the Board of Directors at General Dynamics.

Members of Congress play a role in overseas weapons sales by lobbying for Pentagon-controlled financing of foreign sales of weapons made in their states and districts. In 2019, for example, Senator Collins joined with other F-35-supporting senators in a letter to then-Secretary of Defense Mark Esper, saying:

The National Defense Strategy makes clear that the United States must strengthen its alliances and attract new partners in order to adapt to the long-term strategic competition posed by China and Russia. We believe that expanding the F-35 program offers an important means to accomplish this, especially to governments in good standing with the United States that are threatened by China and Russia.

Members of Congress also use their influence to remove any obstacles that may arise in the State Department's screening of weapons deals in regards to their impact on foreign policy and human rights in the purchasing nation.

Conversion to Peace-work

Since World War II, there have been brief periods, such as after the Vietnam War and after the disintegration of the Soviet Union, when there was official discussion of a so-called “peace dividend,” the transfer of billions of dollars from war-making to life-supporting industries. However, this has never happened.

Miriam Pemberton, a leading proponent of conversion, said in a 2023 report for The Cost of War Project that U.S. firms are losing business to foreign manufacturers because of the failure to see the benefit of shifting Pentagon money into fighting climate disaster. As an example, she points out that a Danish firm, Orsted, built a wind farm off the coast of Rhode Island, employing unionized workers, working right across the Thames River in Connecticut from General Dynamic Electric Boat submarine works.

Pemberton’s report concludes:

Military spending hawks in Washington have been emboldened to argue that securing America really requires a military budget upwards of a trillion dollars. Among their effects, these scenarios run the risk of steering more companies toward the expanding U.S. military-industrial base, rather than toward their potential as contributors to the task of avoiding a future of catastrophic climate change.

Christian Sorenson, author of *Understanding the War Industry*, has created an interactive map showing the locations in every state of major U.S. weapons makers facilities, as well as the alternative life-supporting products that could be developed in each region. In 2022, Sorenson, a U.S. Air Force veteran, created an extremely persuasive video for the annual Veterans For Peace conference, detailing urgently needed civilian products that can be made by weapons makers, using plants and research centers in New England as examples.

Unfortunately, Senator Collins appears to have little interest in military conversion. In March 2024, she announced, along with her U.S. Senate colleague from Maine, Angus King, and other state politicians, the creation of the Maine Defense Industry Alliance, uniting Pratt & Whitney, Bath Iron Works, York County Community College, the University of Maine and Maine Maritime Academy to “train thousands of new employees to perform critical jobs in Maine’s industrial base.” This will be funded in part by nearly \$14 million in federal money thanks to Senators Collins and King.

In addition, *Beacon*, an online report of the Maine People’s Alliance, said that during her 2020 reelection campaign Senator Collins “reversed her position on climate protections she once championed,” at the same time she was taking \$289,469 in campaign contributions from political action committees and individuals representing the oil and natural gas industries. Mainers doing weapons work may ignore conversion because a bird in the hand is said to be worth two in the bush.

Talk of conversion may seem quite abstract in the absence of ways to address the driving force behind U.S. weapons production and U.S. and western corporate ambitions for global economic dominance, all dependent on violent repression against the organizing of hundreds of millions of factory workers, farmers, miners, health care providers and other workers in colonized countries.

In his 1915 essay “The African Roots of War,” W.E.B. DuBois observed a “subtle movement arising from the attempt to unite labor and capital in world-wide freebooting.” By this, he meant attempts to engage workers in wealthy countries on the side of their corporate bosses in violence-enforced colonial expansion. This alliance of people of opposite political and economic interests, developed in the early part of the 20th century, was solidly forged after World War II under the guise of opposing “the threat of communism.”

George Meany, the head of the AFL-CIO from 1955 to 1979, was a leader in this racially-based process, which was funded by the government and corporations and effectively destroyed in U.S. workers a sense of common purpose with their sister and brother workers in colonized nations. In his support of colonial power, Meany strongly endorsed Lyndon Johnson’s introduction of U.S. troops into Vietnam, as well as backing U.S.-generated military coups in Brazil and Chile.

DuBois traced the cause of World War I to competition between European government leaders who, “grown jealous and suspicious at the division of the spoils of trade empire are fighting to enlarge their respective shares; they look for expansion, not in Europe but in Asia, and particularly in Africa.”

“If we want real peace and lasting culture,” DuBois writes, “we must extend the democratic ideal to the yellow, brown and black peoples.” By this he meant, in advice that applies today, ending violent racial repression globally, particularly of people of color. This suggests that we might describe anti-war organizing more accurately as liberation organizing.

Looking through this lens we must also ask ourselves in what ways our minds may have been colonized by living in a corporately-managed society in which military violence and acceptance of “collateral damage” is considered not only acceptable but necessary. How does this impact our evaluation of our self-worth compared to that of others, and the kind of behavior toward ourselves and others that we are willing to tolerate? To what degree do our spiritual and intellectual selves and our sense of wonder and possibility die if we accept the systematic, organized killing of others as a necessity of life, personal survival and financial success?

Are we called to accept that the misery of our impoverished sisters and brothers is an unchangeable necessity of life and to ignore the violence that is daily deployed against those organizing to liberate themselves? Rev. Dr. Martin Luther King Jr. relentlessly counseled that it is only through nonviolence that humanity can be saved. In March 1966, as Dr King was bringing his Civil Rights campaign into Chicago, then controlled by racist Mayor Richard Daley, he gave a speech in which he talked about the power of nonviolence to achieve human rights in the face of violence. In August of that year, he would be struck and nearly felled by a rock thrown during a fair housing march in an all-white neighborhood where bottles and bricks were also thrown.

In his 1966 speech, Dr. King's explains the essence of his philosophy of nonviolent resistance:

Agape is more than romantic love. Agape is more than friendship. Agape is understanding, creative, redemptive goodwill for all men. It is an overflowing love which seeks nothing in return. Theologians would say that it is the love God operating in the human heart.

And when one rises to love on this level, he is able to love the person who does the evil deed, while hating the deed that the person does. And, he is able to love those persons that he even finds it difficult to like. For he begins to look beneath the surface, and he discovers that that individual who may be brutal toward him and may be prejudiced, was taught that way, he was a child of his culture. His church taught him that way. At times, his family taught him that way.

The thing to do is to change the structure and the evil system so that he can grow and develop as a mature individual devoid of prejudice. And, this is the kind of understanding goodwill that the nonviolent resister can follow if he is true to the love ethic.

And so he can rise to the point of being able to look into the face of his most violent opponent and say, in substance, do to us what you will, and we will still love you. We will match your capacity to inflict suffering with our capacity to endure suffering. We will meet your physical force with soul force. And do to us what you will, and we will still love you. We cannot in all good conscience obey your unjust laws because non-cooperation with evil is as much a moral obligation as is cooperation with good.

And so, throw us in jail, and as difficult as it is, we will still love you. Bomb our homes and threaten our children, and as difficult as it is, we will still love you. Send your hooded perpetrators of violence into our communities at the midnight hours and drag us out on some wayside road and beat us and leave us for dead, and we will still love you. But be assured that we will wear you down by our capacity to suffer, and one day we will win our freedom, but we will not only win freedom for ourselves, we will so appeal to your heart and your conscience that we will win you in the process. And our victory will be a double victory. And this is the meaning of the nonviolent creed. This is the meaning of the nonviolent ethic.

In calling to account Lockheed Martin, Boeing, RTX/Raytheon and General Atomics, the Merchants of Death War Crimes Tribunal seeks justice, and liberation from violence and war.

APPENDIX #1 JURORS' BIOGRAPHIES

Tribunal Jurors

1. Basir Bitá

Basir Bitá, who is deeply committed to nonviolence, has longtime experience in civil society capacity-building and engagement; peace and anti-corruption; environmental sustainability; alternative economics; social equity; and electoral reform and observation. He is a dedicated advocate for marginalized communities in Afghanistan, including women, the deeply impoverished, the LGBTQ community, and trauma survivors, including victims of war and environmental degradation. Basir has a passion for social change through education, and is currently a Coordinator at the University of Central Asia seeking grants for Afghans in diaspora. Basir's own experiences of war crimes in Afghanistan inspired him to pursue an MS in Mental Health Counseling at Marquette University, with a particular focus on the deep trauma experienced by immigrants. He has volunteered at VAST (Vancouver Asso. For Survivors of Torture), and is a volunteer counselor for Afghan refugees at the Walker's Point Clinic in Milwaukee, WI. Additionally, Basir facilitates workshops on Expressive Writing for Trauma Healing, especially for victims of war crimes, and has developed YouTube videos teaching EFT, meditation and other healing practices. He is currently writing a biography chronicling his own experiences of the atrocities that surrounded the US withdrawal from Afghanistan, and the subsequent takeover by the Taliban, August, 2021. Basir and his family reside in Vancouver, BC.

2. Marjorie Cohn

Marjorie Cohn is a retired criminal defense attorney, professor emerita at Thomas Jefferson School of Law, former president of the National Lawyers Guild, and member of the bureau of the International Association of Democratic Lawyers and the advisory board of Veterans For Peace. She is a legal and political analyst who writes a regular column for Truthout, does frequent media commentary, and has published several books, including "Drones and Targeted Killing: Legal, Moral and Geopolitical Issues." Professor Cohn is Founding Dean of the People's Academy of International Law and Cohost of the nationally broadcast radio show "Law and Disorder." She testified before Congress about the Bush administration torture policy and debated the legality of the war in Afghanistan at the Oxford Union.

3. Matthew Hoh

Matthew Hoh is the Associate Director of the Eisenhower Media Network and an Emeritus Senior Fellow with the Center for International Policy. He is a 100% disabled Marine combat veteran and, in 2009, he resigned his position with the State Department in Afghanistan in protest of the escalation of the war.

4. Dinorah La Luz Feliciano

Her academic background consists of a Ph. D. in Philosophy (History), a Master of Laws in Comparative Law (LL. M.), and a Master in Library and Information Sciences (MLIS). Dr. La Luz currently works as a (Spanish) editor for the University of Puerto Rico. She is also part of the Executive Committee of the American Association of Jurists (AAJ).

5. Rania Masri

Rania Masri, PhD is a long-time activist and organizer, committed to issues of justice. Her research and activism have centered on anti-sanctions (Iraq), anti-war (Iraq, Afghanistan, Lebanon), anti-occupation & anti-apartheid (Palestine), environmental justice (water and food sovereignty; pollution; land rights), and civil and voting rights. She served as an expert in the Court of Conscience during which she presented testimony on the environmental impact of the 2006 Israeli War on Lebanon. Rania Masri is currently a Co-Director at the North Carolina Environmental Justice Network.

6. Arwa Mokdad

Arwa Mokdad is a Peace Advocate with Yemen Relief and Reconstruction Foundation. Through this work, she supports aid programs in Yemen while participating in policy efforts in the U.S. to end support for the war. While in Yemen, she visited health facilities across the country and interviewed members of civil society on the conflict. She has worked and lived extensively in the MENA region, including a non-profit in Oman and refugee camps in Lebanon. She has also worked at the International Center for Dialogue Initiatives as a Yemen researcher and analyst. She is currently an MPhil candidate researching conflict mediation within Yemen at the University of Oxford. Her work focuses on local, regional, and international peace-building efforts within Yemen. Growing up between the U.S. and Middle East, Arwa is interested in the role of

foreign actors within the region as well as local activism and perceptions of intervention.

7. Mazin Qumsiyeh

Professor Mazin Qumsiyeh previously served at US universities including Tennessee, Duke and Yale. He is founder and volunteer director of the Palestine Institute for Biodiversity and Sustainability (PIBS) at Bethlehem University (<http://palestinenature.org>). Qumsiyeh published over 170 scientific papers, over 30 book chapters, hundreds of articles, and several books (including "Sharing the Land of Canaan" and "Popular Resistance in Palestine") on topics ranging from cultural heritage to human rights to biodiversity conservation to cancer. He oversaw a number of projects ranging from formulating the National Biodiversity Strategy and Action Plan to empowerment projects with farmers, women, and children that benefitted tens of thousands. He is laureate of the Paul K. [Feyerabend Foundation](#) award and the [Takreem award](#) among others. See also <http://qumsiyeh.org>

8. Ibrahim Salih

Dr. Ibrahim Salih, M.D., is a retired pathologist who left Basra, Iraq's second largest city, to come to Britain in 1981. After graduating from Basra Medical School in 1977, he trained for four years in Basra, one of Iraq's main hospitals, as a junior doctor and a pathologist. In England he worked as a Consultant Histopathologist in NHS hospitals from 1986 till he retired in 2013. He visited Iraq regularly from 1982 – 2011. His views were often published or covered in UK media regarding his opposition to the U.S. war and U.S./UN economic sanctions against Iraq from 2000 onward. Dr. Salih was an active member of Voices in the Wilderness UK.

9. Abdi Ismail Samatar

Abdi Ismail Samatar is a Professor of Geography, Environment, and Society at the University of Minnesota. Abdi is also an Extra-ordinary Professor in the Department of Politics at the University of Pretoria. He was elected to the Somali Parliament as a senator in 2022. The author of five books and over 80 articles, chapters, and essays. Among his books are: 1) An African Miracle: State and Class Leadership, and Colonial Legacy in Botswana (1999); 2) Africa's First Democrats: Somalia's Aden A. Osman and Abdirazak H. Hussen (2016); 3) Framing Somalia: Beyond Africa's Merchants of Misery (2022).

10. Ann Wright

Ann Wright is a Member of the Advisory Board of World BEYOND War. She is based in Hawaii. Ann is a retired U.S. Army Reserve colonel and a 29-year veteran of the Army and Army Reserves. She was also a diplomat in Nicaragua, Grenada, Somalia, Uzbekistan, Kyrgyzstan, Sierra Leone, Micronesia, Afghanistan, and Mongolia. She received the State Department's Award for Heroism for her actions during the civil war in Sierra Leone. She resigned from the Department of State on March 19, 2003, in opposition to the Iraq war. She is the co-author of *Dissent: Voices of Conscience* and appeared in the documentary "Uncovered: The Truth About the Iraq War."

APPENDIX #2 TRIBUNAL SUBPOENA

**MERCHANTS OF DEATH
WAR CRIMES TRIBUNAL**

PEOPLE OF THE WORLD

Plaintiff,

vs.

LOCKHEED-MARTIN;

BOEING;

RTX/RAYTHEON; AND

GENERAL ATOMICS

Defendants.

SUBPOENA DUCES TECUM

*Production of Documents and
Information*

Date: November 10, 2022

**Electronically and physically
Served by:**

Merchants of Death Tribunal

THE MERCHANTS OF DEATH WAR CRIMES TRIBUNAL TO:

David Calhoun

The Boeing Company

929 Long Bridge Drive

Arlington, VA 22202 U.S.A.

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents, reports, records, or tangible things listed therein that are in your possession, custody, or control, at the time, date, and method set forth below:

1. Documents indicating all profits generated from sales of specific military weapons and supplies, year by year, produced by Defendant since September 11, 2001;
2. Documents demonstrating the number of lobbyists retained by Defendant, year by year, since September 11, 2001, and the cost, for the purpose of influencing members of Congress with respect to their decisions on weapons and military supplies sales and regulation and foreign and military policies;
3. Documents disclosing the number of active and former U.S. military personnel hired by Defendant, year by year, since September 11, 2001;
4. All internal documents disclosing the number of people killed or wounded by weapons Defendant produced since September 11, 2001;
5. Documents disclosing the specific weapons and supplies sold, quantity sold and the dollar value of each sale, since September 11, 2001, to the United States government, private entities and foreign governments;
6. Documents showing how much money the corporation has spent on advertising, year by year, since September 11, 2001, indicating the amounts that have been spent for ads in various forms of media and with which specific media firms;
7. Documents showing how much the corporation has spent each year since September 11, 2001, in supporting sporting competitions and prizes, community organizations such as the United Way and contributions to educational institutions, with a listing of recipients in all categories;
8. Documents showing, year by year, since September 11, 2001, the contracts between the corporation and specific educational institutions, and their amounts, for research and other services;
9. Documents since September 11, 2001, including email, and other electronic communication, which officials of the corporation or their representatives conveyed to elected officials expressing opinions about what course the U.S. government should take with respect to foreign policy and particularly with respect to decisions involving U.S. military action;

10. Documents since September 11, 2001, detailing, year by year, the amounts of money spent by the corporation in support of specific public policy research and analysis organizations (“think tanks”);
11. Documents since September 11, 2001, detailing compensation of all corporate officers and board members, including stocks, and other benefits, which have been provided in the face of historic public concern over war profiteering as evidenced by the U.S. Senate’s Nye Commission, after World War I, the U.S. Senate’s Truman Committee, formed prior to the start of World War II and extending until 1948, and continued public revulsion, so evidenced in artistic expression of war and profiting from the blood-letting of war;
12. Documents since September 11, 2001, explaining how in good conscience the corporation leadership continues to make and sell weapons domestically and internationally in the face of ample documentation of the massive human death and suffering caused by these weapons, and the evidence that these weapons, used individually and in concert with other weapons, are dramatically contributing to the accelerating destruction of historic global weather conditions and patterns that threaten all life on earth;
13. Documents since September 11, 2001, explaining how the corporation leadership can, in good conscience, participate in the construction of nuclear weapons, given the certain knowledge that the use of these weapons will lead not only to gross human death and suffering but the near certainty that their use will lead to the extinction of the human race;
14. Documents showing any and all visits since September 11, 2001, between corporate officials and agents, and officials and agents of foreign governments, the purposes of these visits, and any payments or other support of any kind made by the corporation to these individuals. Of particular interest are any communications relating to foreign policies and military policies of the United States and the foreign governments;
15. Documents since September 11, 2001, between the corporation and U.S. elected officials, executive branch officials and foreign officials with respect to the regulation of arms exports and particularly with respect to the export of arms shipments in war zones;

16. Documents since September 11, 2001, showing both the recipient's name and the amount provided by the named corporation, to political campaigns, including, but not limited to, contributions by any of its officers or employees to political candidates, elected officials and/or non-profit organizations, or any other type of entity or individual, intending to influence U.S. elections ("Dark Money").
17. Documentation of any payments or other support provided to journalists, editors, or media outlets since September 11, 2001;
18. Documents of all corporate lobbying visits, and money spent, since September 11, 2001, in connection with arms control initiatives, particularly with respect to the Treaty on the Prohibition of Nuclear Weapons;
19. Documents since September 11, 2001, listing all corporation contracts with public and private educational institutions and public and private research organizations, showing the purpose of the contract and its amount;
20. Documents listing, for each year since September 11, 2001, each corporate contract concluded with the U.S. federal government; state and local governments; foreign governments; and non-governmental entities, listing the amount of the contract, its purpose and the percent of corporate profit from each contract;
21. Documents since September 11, 2001, listing the top 10 weapons produced by the corporation in these categories: units sold, income to the corporation and profit;
22. Documents since September 11, 2001, listing all current geographical locations of corporate facilities, what is produced at each facility, the numbers of people employed at each, and any subsidies, cash payments, tax relief and relaxation of environmental regulation enforcement that the corporation may have received from state, county, or local governments.
23. As U.S. wars are fought to gain profitable access to fossil fuels for fossil fuel corporations, provide all documents since the year 2000 evidencing a connection between the defendant and fossil fuel corporations and institutions invested in fossil fuel corporations, including but not limited to: information on defendant corporate officers and board members who have worked for or now sit on boards of fossil fuel corporations and firms

invested in fossil fuels, and/or who may provide advice on energy policy to government and private entities. In addition, provide all communications between corporate officers and board members and entities of the U.S. government with respect to U.S. military and diplomatic efforts that might benefit fossil fuel corporations and fossil fuel investors.

DELIVER TO: Send all documents electronically to **wartribunal2023@gmail.com**

ON OR BEFORE DATE: February 10, 2023.

Witnessed and Signed by the Following Tribunal Members:

Brad Wolf, _____

Kathy Kelly, _____

Nick Mottern, _____ |

APPENDIX #3 CONTEMPT CITATION

**MERCHANTS OF DEATH
WAR CRIMES TRIBUNAL**

PEOPLE OF THE WORLD

Plaintiff,

vs.

**LOCKHEED-MARTIN;
BOEING; RAYTHEON;
AND GENERAL ATOMICS**
Defendants.

CONTEMPT CITATION

**Physically
Served by:**

*Organizers of the Merchants of
Death War Crimes Tribunal*

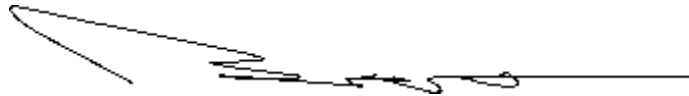
**THE MERCHANTS OF DEATH WAR CRIMES TRIBUNAL
ISSUES THIS CITATION FOR CONTEMPT TO THE
ABOVE-NAMED DEFENDANTS**

IT HAS BEEN MADE CLEAR TO THE TRIBUNAL that you were served with a Subpoena Duces Tecum on November 10, 2022 (see attached). You were provided ninety (90) days to comply with said subpoena and failed to do so.

THEREFORE, you are commanded to have a representative of your company appear before the Tribunal to respond to this Citation.

YOUR ACKNOWLEDGMENT of receipt of this Citation must be sent electronically to **wartribunal2023@gmail.com**. Details on participating in the Hearing for Contempt of the Tribunal will be provided upon receipt of your response.

Witnessed and Signed by the Following Tribunal Members:



Brad Wolf



Kathy Kelly



Nick Mottern

|

**APPENDIX #4 CERTIFIED LETTER TO CERTAIN MEMBERS
OF CONGRESS**

**MERCHANTS OF DEATH
LETTER TO CERTAIN MEMBERS OF CONGRESS**

Dear Senator/Congresswoman/Congressman_____:

I am writing to you because of your extremely powerful position in the U.S. Congress with respect to U.S. military spending, military capability and decisions on when, where and how the U.S. will go to war.

I am a representative of the Merchants of Death War Crimes Tribunal, which is examining ways in which Lockheed Martin, Boeing, RTX (the corporation formerly known as Raytheon Technologies) and drone maker General Atomics may have been accomplices to certain U.S. war crimes since 9/11, and ways in which these and other weapons-makers work to influence U.S. military policies.

Therefore, we will be extremely grateful if you would respond to these questions:

1. When was your first encounter with a representative (an employee, lobbyist or proxy) of any of the aforementioned four weapons makers upon entering Congress, and what did that person say to you? Please note the first encounter with a representative of any other weapons makers. We would include among weapons makers corporations such as Amazon and Microsoft that lobby members of Congress in relation to their work for the Pentagon.

2. What was your most difficult decision in responding to a request from a representative of a weapons maker? Please give specifics, especially with respect to the aforementioned four firms.

3. Are there any occasions when you felt that a representative of a weapons maker urged you to vote for a war, for U.S. participation in an armed conflict or for the

export of weapons into an armed conflict? Again, please respond with respect to the aforementioned four firms.

4. Did a representative of any weapons maker request or suggest how you should vote prior to the invasion of Afghanistan or Iraq or on shipment of U.S. arms to Saudi Arabia? If so, what was the request or suggestion? Please respond in relation to the aforementioned four firms.

5. Please list specific instances in which a representative of a weapons maker contacted you during the drafting and approval process of the National Defense Authorization Act and what specific requests or arguments were made to you. Again, please respond with respect to the aforementioned four firms.

6. Please list instances in which you and/or your staff have been in communication with representatives of non-profit organizations funded by weapons makers, such as the National Defense Industrial Association, and what was sought by the non-profit.

7. Please give instances in which witnesses testifying before Congress have been funded either directly or indirectly by weapons makers, and indicate whether there are criteria in place to prevent conflicts of interest.

8. Have you or any members of Congress familiar to you proposed or held hearings on converting the military-industrial complex into the production of beneficial technologies, such as ships and aircraft for disaster preparation and response, research into novel energy generation, satellites for climate monitoring and weather forecasting, and public transportation, including high-speed rail?

9. What in your opinion or experience are the top three most powerful weapons makers with respect to their influence on Capitol Hill, and why?

10. What in your opinion or experience are the top three most powerful lobbies on Capitol Hill? Would they be fossil fuels, banking and finance and weapons?

11. Is there anything in your opinion that threatens the political power of weapons makers?

12. Do you accept campaign contributions from weapons makers, and if so, what are your reasons?

13. Do you own stock in any weapons makers? If so, do you feel there is a conflict of interest, given your work in Congress?

Thank you so very much for taking the time to respond. If you prefer that we not use your name in any publication of our findings, please let us know.

We will be very grateful if you might respond by September 30, 2023.

Sincerely,

Nick Mottern

Staff member, Merchants of Death War Crimes Tribunal

APPENDIX #5 DISCUSSION OF AVENUES OF PROSECUTION

The Tribunal's first recommendation is noted below, followed by a brief discussion of six possible avenues for prosecution.

1. Domestic and/or international prosecution of the CEOs and boards of directors of Lockheed Martin, Boeing, RTX/Raytheon and General Atomics for their culpability in the crimes outlined above from Oct. 7, 2001 to the present.

The Tribunal is well aware of the huge gap between law and justice. Justice cries out for civil and criminal accountability for the actions and inactions of the corporations described above, as well as civil and criminal accountability for the CEOs and members of the Boards of Directors of these corporations. Legal experts have helped us identify six sources of law which ideally would be useful in holding these corporations and their leaders accountable. The conservative court system in the US has interpreted most all of these narrowly in order to frustrate corporate accountability. We do not underestimate the effort and creativity and determination it will take to use these laws in ways to further accountability. We support those who are already working on this and urge prosecutors, national and international human rights organizations, private attorneys and law students around the world to launch additional legal actions against the aforementioned corporate officials, utilizing, but not limited to, the following:

- The Convention on the Prevention and Punishment of the Crime of Genocide.
- The Principle of Universal Jurisdiction.
- Alien Tort Statute and Torture Protection Act.
- Arms Trade Treaty.
- The Leahy Law and related U.S. Laws.
- U.S. War Crimes Act of 1996.

The Tribunal recommends further that, to empower prosecution of the defendant corporations and their officials, the U.S. declassify all official documents related to the involvement of the defendant corporations' officials and the weapons they produced in overt and covert military and intelligence operations since September 11, 2001. These documents must include reports of weapons features and shortcomings related to levels of risk to civilians as well as military personnel.

1.The Convention on the Prevention and Punishment of the Crime of Genocide

This convention may provide the strongest ground for the prosecution of officials of the defendant corporations. This is because all of the violations of international law in which these corporations have engaged since September 11, 2001 are concentrated and encapsulated into their robust participation in the genocide that has been conducted by Israel and the United States against the Palestinian people since October 7, 2023.

Article IV of the Convention says: “Persons committing genocide or any of the other acts enumerated in article III shall be punished, whether they are constitutionally responsible rulers, public officials or **private individuals**. [emphasis added]

https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.1_Convention%20on%20the%20Prevention%20and%20Punishment%20of%20the%20Crime%20of%20Genocide.pdf

2. The Principle of Universal Jurisdiction.

Human Rights Watch defines Universal Jurisdiction thus:

“Universal jurisdiction” refers to the authority of national judicial systems to investigate and prosecute the most serious crimes under international law no matter where they were committed, and regardless of the nationality of the suspects or their victims. Cases brought under this principle are an increasingly important part of international efforts to hold those responsible for atrocities accountable, to provide justice to victims who have nowhere else to turn, to deter future crimes, and to help ensure that countries do not become safe havens for human rights abusers.

Human Rights Watch cites the 1998 arrest and detention of former Chilean dictator Augusto Pinochet in London, based on an indictment of Pinochet by a Spanish prosecutor for the genocide, murder and the torture of thousands of Chileans after Pinochet led a military coup against Salvador Allende in 1973. The Spanish case was initiated by the Association of Progressive Prosecutors, acting as a private entity.

That case, Human Rights Watch said, was evidence of

...a growing consensus in the international community that human rights transcend national boundaries, limiting the immunity of former heads of state and even the prerogatives of national sovereignty. They added to an impressive list of historical precedents, starting with the Nuremberg trials after the Second World War, which established the principle that there should be no immunity for perpetrators of the gravest crimes, no matter who they are or where their crimes were committed. That principle was enshrined in Resolution 95[1] of the United Nations General Assembly (1946), in the statutes establishing tribunals for the former Yugoslavia and Rwanda, and in the treaty for the new permanent International Criminal Court adopted in July 1998 in Rome. Yet few states had shown the courage to put these principles into practice. The drama of the

London events was enhanced by the unusual notoriety surrounding Pinochet, the brutality of his regime and his invulnerability, until now, from the action of the law.

Human Rights Watch explained the importance of declassification on U.S. documents:

Most sensitive of all for Washington were requests from Pinochet's victims in the U.S. and members of Congress for the declassification of documents relating to the CIA's activities during the first years of the military government, and in particular its relations with Pinochet's secret police, the DINA. Documents declassified in 1998 and 1999 showed that U.S. officials had detailed information on the extent and severity of the atrocities that followed the coup and had even cooperated with the DINA in tracking political suspects.

<https://www.hrw.org/reports/1999/chile/Patrick.htm>

3. Alien Tort Statute (ATS) and Torture Victim Protection Act (TVPA).

a. Abu Ghraib Prisoner Abuse

The Alien Tort Statute (ATS) was the basis for a successful lawsuit brought by the Center for Constitutional Rights (CCR) against CACI Premier Technology Inc., a private U.S. corporation operating under contract with the U.S. government to provide interrogation services in Iraq's Abu Ghraib during the Iraq War.

CCR notes that CACI was charged under the ATS with “violations of U.S. and international law, including torture; cruel, inhuman, or degrading treatment; war crimes; assault and battery; sexual assault and battery; intentional infliction of emotional distress; negligent hiring and supervision; and negligent infliction of emotional distress.”

On November 12, 2024, three former Iraqi detainees harmed by CACI were awarded \$42 million by an eight-person U.S. jury.

The Associated Press reported:

CACI, as one of its defenses, argued it shouldn't be liable for any misdeeds by its employees if they were under the control and direction of the Army. under a legal principle known as the [“borrowed servants” doctrine](#).

Lawyers for the plaintiffs argued that CACI was responsible for its own employees' misdeeds. They said provisions in CACI's contract with the Army, as well as the Army Field Manual, make clear that CACI is responsible for overseeing its own workers.

CCR explained:

CACI seeks to deflect responsibility for interrogators' misconduct from itself to the U.S. Army, by claiming it was the military that controlled CACI interrogators and ordered

detainee abuses. This is what CACI calls the “borrowed servant” defense. However, this is not what the law says: even though CACI was working with the U.S. military, the corporation still exercised control over its employees and could hire, fire, discipline, and supervise them; therefore CACI should be held accountable for its employees’ role in the abuses.

<https://ccrjustice.org/AlShimari>

<https://apnews.com/article/abu-ghraib-civil-trial-iraq-virginia-3a2841ec2892fb111b4e26a70e761208>

b. Yemen Bombings

In 2023, the private law firm International Rights Advocates filed a suit based on ATS and TVPA against weapons makers Lockheed Martin, RTX/Raytheon and General Dynamics, and their CEOs, on behalf of seven Yemenis who charge that they were harmed by weapons made by these corporations, the weapons being supplied to armed forces of Saudi Arabia and the United Arab Emirates during their 2015 – 2023 war against Yemeni Houthi forces.

The case, which has yet to be adjudicated, charges under both laws that the weapons makers aided and abetted military leaders in committing war crimes and “extrajudicial killings” in connection with the bombings of a wedding party in 2015 and a funeral in 2016. Forty-nine people were killed in the wedding attack, including 13 women and 22 children. More than 140 were killed in the funeral attack; more than 525 were wounded.

<https://www.internationalrightsadvocates.org/cases/yemen>

c. Chinese Government Surveillance

In 2011, members of the Chinese Falun Gong movement filed suit against Cisco Systems Inc. under the ATS and TVPA, charging that the corporation and two of its executives created a surveillance system that enabled the Chinese government to persecute them.

The law firm Ropes & Gray, reporting on the case, said that the U.S. Ninth Circuit Court of Appeals allowed the case to go forward to the Supreme Court in September 2023, noting that the case is being “closely watched for its implications on the ATS and on U.S. companies that do business with foreign governments.”

<https://www.ropesgray.com/en/insights/viewpoints/102jmhc/from-the-golden-shield-to-the-sword-the-expansion-of-the-alien-tort-statute-to-r>

ATS and TVP cases have the advantage of offering financial incentive to lawyers who win verdicts.

4. Arms Trade Treaty.

The United Nations Arms Trade Treaty, which went into force in 2014, forbids governments from allowing conventional weapons shipments, if a government “has knowledge at the time of authorization that the arms or items would be used in the commission of genocide, crimes against humanity, grave breaches of the Geneva Conventions of 1949, attacks directed against civilian objects or civilians protected as such, or other war crimes as defined by international agreements to which it is a Party.”

https://thearmstradetreaty.org/hyper-images/file/ATT_English/ATT_English.pdf?templateId=137253

Although the United States under the first Trump administration voted for the treaty at the UN, the U.S. notified the UN Secretary General in 2019 that “the United States does not intend to become a party” to the treaty and that the U.S. “has no legal obligations arising” from having signed the treaty. As of June 2023, the Biden administration was reviewing whether the U.S. would abide by the treaty.

<https://crsreports.congress.gov/product/pdf/IF/IF10567/4#:~:text=The%20United%20States%20is%20not%20decided%20on%20an%20ATT%20policy.>

Enforcement of the treaty is left in the hands of national governments’ self-monitoring, but the Stockholm International Peace Research Institute (SIPRI) points out: “While it is generally accepted that effective enforcement requires some form of penalization for breaches, the nature of these penalties is not proscribed, and they vary significantly from country to country.”

<https://www.sipri.org/sites/default/files/files/misc/SIPRIBP1505.pdf>

Amnesty International notes: “Even countries that have ratified the treaty fail to comply with, and transfer weapons and munitions to places where they risk being used to commit serious violations of international humanitarian law, including possible war crimes.”

<https://www.amnesty.org/en/what-we-do/arms-control/#:~:text=The%20Arms%20Trade%20Treaty,-After%20more%20than&text=Any%20state%20that%20is%20a,against%20humanity%20and%20war%20crimes.>

Given that the provisions of the treaty are effectively unenforceable, they stand primarily as a reference that may be used to reinforce cases such as those discussed in items 1, 2 and 3 above.

5. The Leahy Law and related U.S. Laws.

The so-called Leahy Law, named after its chief sponsor, former U.S. Senator Patrick Leahy (D-VT), prohibits shipment of U.S. weapons to military units found to be gross violators of

human rights. There are related U.S. laws that seek to prevent U.S. military assistance to governments that are depriving people of food and other humanitarian aid in order to kill or control them.

Since October 7, 2023, the Biden Administration and U.S. weapons makers have been violating the letter and spirit of the abovementioned laws, as noted in a statement issued on July 2, 2024 by 12 former members of the Biden Administration who resigned over the failure of that administration to abide by these laws:

A fundamental principle, and the first step in correcting U.S. policy, is for the Government of the United States to faithfully execute the law. It is abundantly clear that the Administration is currently willfully violating multiple U.S. laws and attempting to deny or distort facts, use loopholes, or manipulate processes to ensure a continuous flow of lethal weapons to Israel. As practically every credible and independent international human rights organization has identified, there have been clear gross violations of human rights by units of the Israeli security forces, dating back well before 2023, that should compel ineligibility determinations under the Leahy Laws. As multiple credible humanitarian aid organizations have identified, Israel has also, and continues to, arbitrarily obstruct U.S.-funded humanitarian assistance, which should trigger a suspension of security assistance under Section 620I of the Foreign Assistance Act. A government that acts above, or around, the laws set by elected legislatures is not a government that is faithful to the Constitution, or to its commitments to the people of these United States.

<https://www.bbc.com/news/articles/c725wxky293o>

In November 2023, the Center for Constitutional Rights filed a suit in the U.S. federal court in San Francisco on behalf of the Palestinian human rights organization Defense of Children International – Palestine, Al-Haq and individual Palestinians and Palestinian Americans, seeking to compel the Biden Administration to obey the Leahy and related laws.

<https://ccrjustice.org/DCIP-v-Biden>

The San Francisco court dismissed the suit, arguing that it did not have the power to intervene in U.S. foreign policy. This ruling has been repeatedly upheld by the Ninth Circuit Court of Appeals, most recently on October 2, 2024.

The aforementioned Yemeni case also raises the issue of U.S. agencies ignoring U.S. law to send weapons to so-called allies who are violating international law. The U.S. response to this aspect of the suit is that State and Defense Department decisions to provide arms are not reviewable by U.S. courts.

The Leahy Law and other U.S. arms control laws may become stronger grounds for prosecution of U.S. weapons makers as more is learned over time about the level of complicity of the executives in the genocide against the Palestinian people, and as public shame and revulsion of the role of the U.S. in this genocide grows.

6. U.S. War Crimes Act of 1996.

The U.S. War Crimes Act of 1996 provides the legal grounds to prosecute officials of weapons makers for war crimes, as well as military personnel.

In spite of the involvement in war crimes by weapons makers, other U.S. civilians and U.S. troops, the only case that has ever been brought by the U.S. under the War Crimes Act is the December 2023 U.S. Justice Department indictment of four members of the Russian armed forces for alleged war crimes in the Ukraine War. At the time of the indictment, the Attorney General suggested that the U.S. might indict Hamas members in connection with the Israel – Hamas conflict.

<https://crsreports.congress.gov/product/pdf/LSB/LSB11091>

Various analyses of the War Crimes Act point out a variety of legal hurdles and loopholes that make it seem extremely unlikely that any U.S. citizen will be prosecuted under the Act. In a review of the Act, International law specialist Hamed Adibnatanzi observed:

The initial motivation of enacting the War Crimes statute was to set a high standard for the international community to follow by creating a cause of action against its own citizens who commit war crimes. However, when unexpected times come to apply those rules and sanctions against its own citizens Congress legislates the U.S. out of its international obligations.⁸

At the same time, as mentioned above in reference to other legal bases for prosecution of weapons makers, public shame and revulsion over the genocide against the Palestinian people may shatter political and legal protections now enjoyed by U.S. weapons makers.

⁸ Adibnatanzi, H. (2008). The U.S. Codification of War Crimes: 18 USCA §2441. *Annual Survey of International & Comparative Law*, 14(1), Article 7.

<https://digitalcommons.law.ggu.edu/cgi/viewcontent.cgi?article=1123&context=annlsurvey>