

From [Stanford AntiWar Group](#) | Original Letter

To the Stanford community,

As you may have heard, Condoleezza Rice officially returns to the Hoover Institution March 2, [1](#)

after working eight years as National Security Advisor and then Secretary of State under the Bush administration. We, the student group

[Stanford Says No to War](#)

, are concerned with her

actions

these past eight years—not academic beliefs, party affiliation, or scholarly pursuits. Specifically, we are concerned about serious allegations that Rice has violated our constitution, domestic laws, and international law and endangered the American people. We are initiating a coalition of Stanford community members to create a campus-wide movement to hold Condoleezza Rice

accountable

for her

actions

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Summary

In this letter we will outline some specific evidence pointing to violations of international and domestic law by Condoleezza Rice. In particular, in organizing and executing the Iraq War, and in personally approving the use of torture. It has become clear that the invasion of Iraq, and continued violence there, as well as the United States' use of torture, has increased violence against Americans and made the world less safe—while war and bombing diverts resources from programs of social uplift.

Iraq War

Aggressive Wars and International Law

For one country to invade another without the authorization of the UN Security Council [\[2\]](#), or the justification of self-defense from imminent attack

[\[3\]](#)

, is an act of
aggressive war

. As the Nuremberg tribunal declared, "To initiate a war of aggression... is not only an international crime; it is the
supreme international crime differing only from other war crimes in that it contains within itself the accumulated evil of the whole

."

[\[4\]](#)

It is also a breach of the UN Charter

[\[5\]](#)

and other international treaties to which the US is a party

[\[6\]](#)

and customary international law.

[\[7\]](#)

The US-led invasion of Iraq, therefore, is not to be regarded as a mistake, or a foreign policy blunder. It is to be regarded as a crime against humanity, of the worst possible sort. "War is essentially an evil thing. Its consequences are not confined to the belligerent states alone, but affect the whole world." [\[8\]](#)

Rice's warmongering

"Bush wanted to remove Saddam, through military action, justified by the conjunction of terrorism and WMD [Weapons of Mass Destruction]. *But the intelligence and facts were being fixed around the policy* .” So reported the

head of MI6, the British intelligence agency, in July 2002, according to a memo of his meeting with Bush. The same memo recorded Foreign Secretary Jack Straw: “it seemed clear that Bush had made up his mind to take military action, even if the timing was not yet decided. But the case was thin. Saddam was not threatening his neighbours, and his WMD capability was less than that of Libya, North Korea or Iran.”

[\[9\]](#)

Once the “intelligence and facts” were “fixed,” they were then sold to the American public, who were manipulated into believing that Iraq posed an imminent threat to American national security. *Condoleezza Rice was a principal participant in this campaign of disinformation.*

- As National Security Adviser, Condoleezza Rice was one of the “five Administration officials most responsible for providing public information and shaping public opinion on Iraq”

[\[10\]](#)

and “central to policy formulation and execution”

[\[11\]](#)

- . She was among the top officials promoting, planning, and eventually perpetrating the war.

- “*Condi’s enthusiasm for regime change is undimmed*”—over a year before war officially started . So reported David Manning, foreign policy adviser to British Prime Minister Tony Blair, after a meeting with Rice. [\[12\]](#)

- The Bush administration’s “intelligence” and “facts” claimed that Saddam Hussein’s regime in Iraq possessed nuclear, chemical, and biological weapons and had connections to al-Qaeda and the terrorist attacks of September 11, 2001. [\[13\]](#) Subsequent investigations have proven that this “fixed” intelligence was indeed false.

[\[14\]](#)

- In the rush to war, Condoleezza Rice played a major role in manipulating the American public into believing that Iraq posed an imminent threat to American national security. According to the Center for Public Integrity, “Following 9/11, President Bush and seven top officials”—including Condoleezza Rice—“waged a carefully orchestrated campaign of misinformation about the threat posed by Saddam Hussein’s Iraq.” The Center for Public Integrity counted that, overall, the Bush administration made 935 false statements about the national security threat posed by Iraq. Of those 935, *Condoleezza Rice made 56 false statements* . [\[15\]](#) A congressional report in March 2004, based on a smaller sample, found that of all the top administration officials, between September 2002 and September 2003,

Rice made the highest number of categorically false statements

, including “that no one in the White House knew of the intelligence community’s doubts about the President’s assertion that Iraq sought to import uranium from Africa.”

[\[16\]](#)

- It was Condoleezza Rice who made the infamous claim “We don’t want the smoking gun to be a mushroom cloud.” [\[17\]](#)

- In the lead-up to voting in the UN Security Council on the issue of Iraq, Condoleezza Rice authorized the National Security Agency to wiretap the private communications of UN delegates in New York. Rice authorized spying on Security Council diplomats—including home and office phones and private emails—to provide information on their voting intentions, “policies” and “negotiating positions they may be considering” with regard to Iraq. [\[18\]](#)

In April 2007, Rice was subpoenaed to the House Oversight and Government Reform Committee to testify about justification for the war, [\[19\]](#) but refused to comply. [\[20\]](#)

The evidence is overwhelming that Condoleezza Rice was a principal participant in the planning and propaganda efforts of an aggressive war waged in supreme violation of international law.

Blackwater

Blackwater (now Xe), the notorious private military contractor involved in several alleged massacres [\[21\]](#), received multiple State Department contracts worth millions of dollars. As such, they were contractors— *under Condoleezza Rice.*

Rice herself admitted in testimony to the House Oversight and Government Reform Committee in October 2007 that Blackwater contractors operate in a legal “hole,” without accountability for their crimes. Nevertheless, she opposed bringing contractors under the military justice system, rather supporting “new laws that would apply to contractors”—laws which never materialized. [\[22\]](#)
[1](#)

In December 2006, a Blackwater contractor, under the influence of alcohol, allegedly killed a guard of Iraqi Vice President Adil Abd-al-Mahdi. In response, *Condoleezza Rice’s State*

Department had allowed the killer to flee Iraq within 36 hours

, and “hoped to keep the case quiet by helping Blackwater to take Mr. Moonen out of Iraq and by paying the slain guard’s family \$20,000 in cash,” and weeks later, the alleged killer was again working as a war contractor in the Middle East.

[\[23\]](#)

Instead of ensuring the prosecution of Blackwater employees after the Nissour Square massacre in September 2007, Rice’s State Department granted them immunity. [\[24\]](#) Rice then “quietly promoted two senior staffers who directly oversaw controversial Blackwater security operations.”

[\[25\]](#)

In April 2008, despite Iraqi government efforts, [\[26\]](#) Rice’s State Department renewed Blackwater’s contract. [\[27\]](#)

Despite the efforts of the Iraqi government, even the 2008 Status of Forces Agreement was unclear on Blackwater’s immunity. [\[28\]](#) Not until January 2009 did Iraq revoke Blackwater’s license. [\[29\]](#)

There appears to be little evidence of Condoleezza Rice’s State Department acting to restrain Blackwater. Instead, the evidence suggests that the State Department—and hence Secretary of State Condoleezza Rice—is an accessory after the fact to Blackwater’s alleged crimes, resulting in mass deaths.

Tragedy of the War

- Hundreds of thousands of people—by some estimates, well over a million—have died as a result of the war in Iraq. The suffering in Iraq wrought by the US-led invasion and occupation has been catastrophic. Multiple independent estimates suggest over 1.2 million Iraqi people have died as a result of the war. [\[30\]](#) According to the United Nations High Commission for Refugees, over 4 million Iraqis have been internally or externally displaced from their homes.

[\[31\]](#)

On September 11, 2008, Al-Jazeera reported that “years of war have degraded water-treatment facilities in Iraq and deprived many Iraqis of clean drinking water,” which have contributed to an outbreak in cholera

[\[32\]](#)

- The war in Iraq to date has resulted in the deaths of over 4,000 American soldiers. [\[33\]](#) . In addition, according to a 2006 National Intelligence Estimate, “The Iraq conflict has become the ‘cause celebre’ for jihadists, breeding a deep resentment of US involvement in the Muslim world and cultivating supporters for the global jihadist movement.” [\[34\]](#)

The war has devastated families across America, both those whose loved ones were killed in the war and all those who suffer the consequences of budget cuts necessitated by massive military spending in Iraq. And it has made America less safe in its inspiration worldwide of hatred for America and its actions.

Torture Definition

Torture, in Article 1(1) of the United Nations Convention Against Torture, is defined as,

“any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.” [\[35\]](#)

Principals meetings

As National Security Advisor, Condoleezza Rice chaired meetings of the National Security Council’s Principals Committee. As ABC news reported in April 2008: [\[36\]](#)

- The committee authorized water-boarding of three people in U.S. custody, and the discussions were so detailed they were “almost choreographed—down to the number of times CIA agents could use a specific tactic.”

- The role of Condoleezza Rice “was decisive”. Amidst concerns that the program was harming US image abroad, Rice reportedly told the CIA: *“This is your baby. Go do it.”*

Ashcroft is reported to have asked after one meeting: "Why are we talking about this in the White House? History will not judge this kindly."

We agree.

Law against torture

The prohibition on torture in international law is unequivocal. The US is a party to the UN Convention Against Torture, as well as other treaties prohibiting torture, which are incorporated into US law as the "supreme Law of the Land." [\[37\]](#) Torture is also prohibited under several US laws. [\[38\]](#)

- "No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture": Article 2(2) of the Convention.

Rice's main defense would presumably be the "torture memos," written by Justice Department lawyers to justify brutal interrogation techniques.

- The memos were regarded as a "Golden Shield" for officials who feared prosecution. [\[39\]](#) They were written *to get torturers out of jail.*

- Producing fallacious legal documents, reinterpreting the law to justify conduct that was previously clearly torture, and doing so knowing that such conduct was likely to be carried out, has another name: *aiding and abetting torture.* [\[40\]](#)

From this perspective, the memos will get nobody out of jail, but might get some lawyers into jail.

International law not only prohibits torture: *States are obliged to investigate allegations of*

torture.

[\[41\]](#)

- States must “proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction”: Article 12.

- States must also “take effective legislative, administrative, judicial, or other measures to prevent acts of torture in any territory under its jurisdiction”: Article 2(1).

There are clear reasonable grounds to believe that acts of torture have been authorized by Condoleezza Rice. The State is therefore obliged to investigate.

What do we do if it does not?

Conclusions

This is why it falls to us here in the United States, and at Stanford, to hold our leaders accountable. That begins now, and it should start at Stanford, a renowned university that will soon be the home of one of the major perpetrators of the horrendous acts that have defined the past 8 years and tainted the reputation of the United States around the world.

Stanford faculty rules protect tenure and security of appointment, which is “the right not to be dismissed” or otherwise punished except for, among other things, “a finding... of substantial and manifest incompetence” or a “determination pursuant to the Statement on Faculty Discipline.” [\[42\]](#)

However, the Statement on Faculty Discipline allows faculty to be charged with misconduct “only for actions taken in association with the faculty member’s academic duties and responsibilities,” such as “dishonest or unethical behavior in the faculty member’s own teaching or research,” “sexual harassment” and the “neglect of University-related duties and responsibilities.” [\[43\]](#)

Taken literally, these Stanford rules would allow serial killers, mass murderers and war criminals

to remain in tenured positions, provided they did not harass students, falsify research, or engage in misconduct “in association with... academic duties and responsibilities.”

If Condoleezza Rice were a student, she would be subject to the Fundamental Standard: “Students at Stanford are expected to show both within and without the University such respect for order, morality, personal honor and the rights of others as is demanded of good citizens. Failure to do this will be sufficient cause for removal from the University.” [\[44\]](#)

How can we hold our students to this standard if we do not hold faculty to it?

We must ask ourselves if the rules laid out for faculty in the handbook are adequate.

By increasing awareness and in generating discussion about Condoleezza Rice's actions, we want to encourage everyone to ask themselves:

IS STANFORD A SAFE PLACE FOR WAR CRIMINALS?

Stanford Says No to War is committed to acting on this issue. But we need your help, opinions, and ideas in approaching Rice's return.

Stanford Says No to War invites every member of the Stanford community to join us in a campaign to HOLD CONDOLEEZZA RICE ACCOUNTABLE.

Keep your eye out for petitions, discussions, debates, films, and other events both educational and action-oriented in calling for her resignation and in demonstrating to the world that we, the people of Stanford University, do not accept war crimes.

References

1. [↑](#) “[Rice returns](#),” Stanford Daily, February 23, 2009.

2. [↑](#) See [Chapter VII](#) of the [UN Charter](#)
3. [↑](#) See [article 51](#) of the [UN Charter](#) , which preserves the right of self-defense. International law only permits attacks in “anticipatory self-defense” in extremely narrow circumstances: the agreed position, since the [Caroline affair](#) of 1837-38, is that force is only permissible the “necessity of self-defence” is “instant, overwhelming, leaving no choice of means and no moment for deliberation.” See the [original letter](#) from Daniel Webster, Secretary of State, to Lord Ashburton, August 6, 1842, which is the basis for modern opinio juris. See, e.g., the discussion in Oppenheim’s International Law: Ninth Edition, 1991, p. 412; also discussed in the [Lawyers' Statement](#) on the U.N. Charter and the Use of Force Against Iraq by the Lawyers' Committee on Nuclear Policy and the Western States Legal Foundation.
4. [↑](#) [Judgment of the International Military Tribunal](#) , “The Common Plan or Conspiracy and Aggressive War” (emphasis added).
5. [↑](#) See [UN Charter](#) , Article 1, which calls for “the suppression of acts of aggression or other breaches of the peace,” and Article 2(4): “All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations”.
6. [↑](#) See e.g. the [Briand-Kellogg Pact](#) , also known as the Pact of Paris, dating from 1928.
7. [↑](#) See, e.g., the [judgment](#) , its [summary](#) and [other documents](#) in the [International Court of Justice](#) in the Case Concerning the Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America (1986)).
8. [↑](#) [Judgment of the International Military Tribunal](#) , “The Common Plan or Conspiracy and Aggressive War.” See also, e.g., [Iraq war illegal, says Annan](#) , BBC News, 16 September, 2004.
9. [↑](#) [“The Secret Downing Street Memo”](#) , reported in the Sunday Times, May 1, 2005.
10. [↑](#) [“Iraq On the Record: The Bush Administration's Public Statements on Iraq”](#) , House of Representatives Committee on Government Reform, Special Investigations Division, March 16, 2004. The other four are Bush, Cheney, Rumsfeld and Powell.
11. [↑](#) See, e.g. the New York Times Editorial Board, [“Condoleezza Rice Teflon No More”](#) , April 23, 2008
12. [↑](#) The “Manning Memo,” 14 March 2002: [original document \(PDF\)](#) or [transcript](#) .
13. [↑](#) See, e.g., the searchable database of statements at The Center for Public Integrity's [War Card](#) site. The most touted of these statements was Colin Powell's address to the UN on February 5,

2003:

[transcript](#)

and

[video](#)

, subsequently regarded by Powell as the “lowest point” in his life, as reported by

[CNN](#)

in August 2005. See also

[Iraq On the Record: The Bush Administration's Public Statements on Iraq](#)

,” House of Representatives Committee on Government Reform, Special Investigations Division, March 16, 2004.

14. [↑](#) See, e.g., [Report on the U.S. Intelligence Community's Prewar Intelligence Assessments on Iraq](#) , Senate Committee on Intelligence, July 7, 2004; especially its [conclusions](#) .

15. [↑](#) The Center for Public Integrity's [War Card](#) site has a fully searchable database of false statements.

16. [↑](#) [Iraq On the Record: The Bush Administration's Public Statements on Iraq](#) ,” House of Representatives Committee on Government Reform, Special Investigations Division, March 16, 2004. It also found that between “September 8, 2002, and September 28, 2003, National Security Advisor Rice made 29 misleading statements about the threat posed by Iraq.”

17. [↑](#) “[Top Bush officials push case against Saddam](#) , CNN, September 8, 2002.

18. [↑](#) [Revealed: US dirty tricks to win vote on Iraq war](#) , Martin Bright, Ed Vulliamy, Peter Beaumont, The Observer, March 2, 2003. The report was based on an email leaked from the NSA by Katharine Gun email: the [t](#)
[ext of the NSA email](#)

is available online. See also

[Rice authorized National Security Agency to spy on UN Security Council in run-up to war, former officials say](#)

, Jason Leopold, Raw Story, December 27, 2005; and

[Bugging Kofi Annan: UN Spying and the Evasions of US Journalism](#)

, Norman Solomon, Counterpunch, February 26, 2004.

19. [↑](#) [House committee subpoenas Rice on Iraq](#) , Thomas Ferraro, Reuters, Apr 25, 2007; [Hill Subpoenas Approved for Rice, Other Bush Officials](#) , Dan Eggen and Paul Kane, Washington Post, April 26, 2007.

20. [↑](#) [Rice signals rejection of U.S. House subpoena in Iraq weapons of mass destruction inquiry](#) , AP, April 26, 2007; [Secret to Forcing Compliance With Subpoenas](#) , David Swanson, August 31, 2007.

21. [↑](#) Recounted by Jeremy Scahill on Democracy now, [Can Iraq \(or Anyone\) Hold Blackwater Accountable for Killing Iraqi Civilians? A Debate on the Role of Private Contractors in Iraq](#) , September 18, 2007; and also [Contract Justice](#) , Jeremy Scahill, The Nation, April 6, 2008.

22. ↑ “I certainly regret that we did not have the kind of oversight that I would have insisted upon,” she said. [Rice Says ‘Hole’ in U.S. Law Shields Contractors in Iraq](#) , New York Times, October 25, 2007;

[On Hill, Rice Talks About Blackwater](#)

, Washington Post, October 26, 2007. There was a proposed law in 2007 to extend the jurisdiction of US Courts under the Military Extraterritorial Jurisdiction Act to all contractors working for the US government abroad, but the Bush administration opposed it:

[White House: Contractor bill would have ‘intolerable’ effects](#)

, CNN, October 3, 2007. Regardless, charges have been brought against some Blackwater contractors over the Nissour square massacre in US federal court. On February 18, 2009, a federal US judge held that the contractors' arguments that the court had no jurisdiction over them were “rather strong,” but refused to throw out the case:

[Judge Refuses to Dismiss Charges Against Blackwater Guards](#)

, Del Quentin Wilber, Washington Post, February 18, 2009.

23. ↑ [Ex-Paratrooper Is Suspect in a Blackwater Killing](#) , John M. Broder, New York Times, October 4, 2007; [Contract Justice](#)

, Jeremy Scahill, The Nation, April 6, 2008;

[Committee on Oversight and Government Reform Memorandum](#)

Re: Additional Information about Blackwater USA, October 1, 2007;

[Contractor involved in Iraq shooting got job in Kuwait](#)

, CNN, October 4, 2007.

24. ↑ See, e.g., [State Department under fire over reported Blackwater immunity](#) , AFP, October 30, 2007;

[State Department Grants Immunity to Guards Investigated for Shooting Iraqi Civilians](#)

, Jonathan Karl and Kirit Radia, ABC News, October 30, 2007;

[House Probes Blackwater Immunity](#)

, Adam Zagorin and Brian Bennett, Time, October 30, 2007.

25. ↑ [Despite Blackwater, State Officials Get Promotions](#) , ABC News, October 25, 2007.

26. ↑ See, e.g. [Iraq Limits Blackwater's Operations](#) , Time, September 17, 2007

27. ↑ [Blackwater Iraq contract to be renewed](#) , Elise Labott, CNN, April 4, 2008; [U.S. to renew Blackwater contract](#)

, UPI, April 5, 2008.

28. ↑ Some reports suggested the agreement revoked immunity: see, e.g. [Iraq withdrawal -- not so fast](#)

, Kal Raustiala, LA Times, January 3, 2009. However, the word “immunity” does not appear in the [te](#)

[xt](#)
of the SOFA; article 12 only provides Iraq “the primary right to exercise jurisdiction over United States contractors and United States contractor employees.” The details of immunity are unclear: see, e.g.,

[Iraq pact fuzzy on Blackwater immunity](#)

, Mike Baker, AP, December 24, 2008.

29. [↑](#) [Iraq to Deny New License To Blackwater Security Firm](#) , Ernesto Londoño and Qais Mizher, Washington Post, January 29, 2009.

30. [↑](#) See [Opinion Research Business](#) and [Just Foreign Policy](#) for these estimates. This far exceeds the [Iraq Body Count](#)

number of around 90,000, which only counts deaths reported by multiple crosschecked media reports: see their

[information](#)

page. The US government has not made any serious study of deaths in Iraq during the war and occupation. Perhaps the closest is

[Measuring Stability and Security in Iraq](#)

, Report to Congress by Department of Defense, September 2008, at p.22. However, as noted in

[the December 2007 version](#)

of this report, there are many deaths for which “the Coalition does not have visibility, in particular, murders and deaths in locations where Coalition forces are not present”: at p.18. See the Congressional Research Service report

[Iraqi Civilian Casualties Estimates](#)

, Hannah Fischer, January 12, 2009, for some further discussion. The Just Foreign Policy figure is an extrapolation of an epidemiological-style cluster study published in the prestigious British medical journal

The Lancet

, which obtained a figure of 426,000-794,000 for the period March 2003 - July 2006: Gilbert Burnham, Riyadh Lafta, Shannon Doocy et al., “Mortality After the 2003 Invasion of Iraq: A Cross-Sectional Cluster Sample Survey,” *The Lancet*, October 21, 2006, 368 (9545), pp. 1421-1429. The UK Ministry of Defence’s chief scientific advisor called the survey “close to best practice” and “robust”:

[High Death Toll Backed](#)

, Newsday, March 27, 2007.

31. [↑](#) See, e.g., [Iraq situation](#) , UNHCR Global Appeal 2008-2009.

32. [↑](#) [Cholera outbreak spreads in Iraq](#) , Al-Jazeera, September 11, 2008.

33. [↑](#) See the [Iraq Coalition Casualty Count](#) , which maintains an online count.

34. [↑](#) See selected [Declassified Key Judgments](#) of the National Intelligence Estimate “Trends in Global Terrorism: Implications for the United States,” April 2006.

35. [↑](#) See the [full text](#) of the UN Convention Against Torture and [list of ratifications](#) .

36. [↑](#) [Sources: Top Bush Advisors Approved 'Enhanced Interrogation'](#) , Jan Crawford Greenburg, Howard L. Rosenberg, Ariane de Vogue, ABC News, April 9, 2008.

37. [↑](#) [Article 6](#) of the US Constitution. See also the Geneva Conventions: for instance, article 17 of the [Third Geneva Convention](#) requires that “no physical or mental torture, nor by other form of coercion, may be inflicted on prisoners of war to secure from

them information of any kind whatever". Also the [Universal Declaration of Human rights](#), article 5.

38. ↑ See, e.g., the US [War Crimes Act](#) and the [Eighth Amendment to the US Constitution](#).

39. ↑ See the [ABC News report](#) for instance.

40. ↑ For further discussion of this question see Michael Ratner, The Trial of Donald Rumsfeld (2008).

41. ↑ In addition to Articles 12 and 2(1), see: article 4, which requires States to ensure that torture is a crime in their domestic law, including complicity or participation in torture; article 11, which requires States to keep interrogation rules under review "with a view to preventing any cases of torture."

42. ↑ [Chapter 4](#), Stanford University Faculty Handbook, section 4.4.B(1) contains core policy statements on Faulty Appeal Procedures (4.1), Academic Freedom (4.2), Faculty Discipline (4.3), and Appointment and Tenure(4.4).

43. ↑ [Chapter 4](#), Stanford University Faculty Handbook, section 4.3.A(3).

44. ↑ [Fundamental standard](#), Stanford University Office of Judicial Affairs. This argument is also made by Steven Jewell on his website, [No Stanford torture](#).