



Legislation Details (With Text)

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**Title:** Resolution in support of H.R. 141, sponsored by Congresswoman Barbara Lee, which would disavow the "doctrine of preemption."

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Res. No. 320

Resolution in support of H.R. 141, sponsored by Congresswoman Barbara Lee, which would disavow the "doctrine of preemption."

By Council Members Barron, Lopez, Perkins, Seabrook and Vann

Whereas, As a result of the September 11, 2001 terrorists attacks on America, President George W. Bush launched a global war against terrorism intended to find and hold accountable those individuals or regimes responsible for the attacks and others who may be deemed as posing a continuing threat to the security of the United States; and

Whereas, President Bush's global war against terrorism has caused the United States to engage in military operations in Afghanistan to remove the country's ruling Taliban from power, to capture or kill Osama Bin Laden and the leadership of the Al-Qaeda terrorist organization, and to shut down any terrorist training camps; and

Whereas, The global war against terrorism has also caused the United States to engage in Operation Iraqi Freedom, an operation that, according to President Bush, was intended to disarm Iraq of weapons of mass destruction, free its people, defend the world from grave danger and remove Saddam Hussein and his sons from power; and

Whereas, President Bush has indicated that the United States has the right to unilaterally exercise military action, including preemptive nuclear strikes, against nations that have not attacked the United States, creating what has been termed as a "doctrine of

preemption;” and

Whereas, Recently, Congresswoman Barbara Lee introduced H.R. 141, which would disavow the “doctrine of preemption” because it allows military operations against nations that might not pose an imminent threat of harm to the United States; and

Whereas, H.R. 141 would state that the “doctrine of preemption” far exceeds the commonly understood view, set forth in the Charter of the United Nations and recognized in international and United States law, that nations enjoy the right of self defense, and that such self defense might include undertaking military action to prevent an imminent attack; and

Whereas, H.R. 141 would also state that the “doctrine of preemption” represents a radical departure from the official position of the United States since the adoption of the Charter of the United Nations, and sets a dangerous precedent that might then be cited by other nations to justify preemptive military action against perceived threats; and

Whereas, Additionally, H.R. 141 would note that the “doctrine of preemption” contradicts Article 2, Section 4 of the Charter of the United Nations, which states that “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;” and

Whereas, H.R. 141 would also note that Article 51 of the Charter of the United Nations does not preclude military actions of self-defense, and acknowledges that under the United States Constitution, the President, as Commander and Chief, possesses the authority to use military force to protect the United States from attack or imminent attack; and

Whereas, H.R. 141 would also acknowledge that the inherent right of the United States to defend itself against imminent or actual attack does not extend to undertaking military action in the absence of such imminent or actual attack; now; therefore, be it

Resolved, That the Council of the City of New York supports H.R. 141, sponsored by Congresswoman Barbara Lee, which would disavow the “doctrine of preemption.”

LS# 868

RA

4/30/2004

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