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RICHARD W. WIEKING
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NORTHERN DISTRICT OF CALIFORNIA

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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**

EMC

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13 **D. INDER COMAR,**
14 **Plaintiff,**
15 **vs.**
16 **GEORGE W. BUSH, RICHARD B.**
17 **CHENEY, DONALD H.**
18 **RUMSFELD, CONDOLEEZZA**
RICE, COLIN L. POWELL and
19 **PAUL M. WOLFOWITZ,**
Defendants.

C 13 1125
CASE NO.

**COMPLAINT FOR VIOLATION OF
CONSTITUTIONAL RIGHTS;
COMMON LAW BREACH OF
FIDUCIARY DUTY; AND
CALIFORNIA'S FALSE
ADVERTISING LAW (CAL. BUS. &
PROF. CODE § 17200 ET SEQ.)**
DEMAND FOR TRIAL BY JURY

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9 **NORTHERN DISTRICT OF CALIFORNIA**

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13 D. INDER COMAR,

14 Plaintiff,

15 vs.

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17 CHENEY, DONALD H.
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DEMAND FOR TRIAL BY JURY

1 D. INDER COMAR (hereinafter “Plaintiff”) alleges against
2 Defendants (1) GEORGE W. BUSH, (2) RICHARD B. CHENEY, (3) DONALD
3 H. RUMSFELD, (4) CONDOLEEZZA RICE, (5) COLIN L. POWELL and (6)
4 PAUL WOLFOWITZ (collectively, “Defendants”), as follows:

5 **NATURE OF THIS ACTION**

6 1. Defendants GEORGE W. BUSH, RICHARD B. CHENEY,
7 DONALD H. RUMSFELD, CONDOLEEZZA RICE, COLIN L. POWELL, and
8 PAUL WOLFOWITZ violated the Constitution by misleading the people of the
9 United States into supporting an unjust war against the people of Iraq.

10 2. Defendants planned the war since 1998, and then used faulty
11 intelligence and an orchestrated propaganda campaign to scare the American
12 public into supporting their premeditated war, illegal under international law

13 3. Defendants’ illegal war has cost the United States people \$4
14 trillion.¹

15 4. Plaintiff, an attorney licensed to practice in California, alleges
16 that Defendants’ illegal war has played a role in the current economic recession,
17 from which the United States has still not recovered. Plaintiff has been
18 economically damaged because of Defendants’ illegal war.

19 5. Plaintiff requests that the court enter an order finding that (1)
20 Defendants violated Plaintiff’s constitutional rights, specifically, a First
21 Amendment right to be given honest and candid information by government
22 officials (*See Bivens v. Six Unknown Agents of Federal Bureau of Narcotics* 403
23 U.S. 388 (1971); *Davis v. Passman*, 442 U.S. 228 (1979); and *Craig v. Boren* 429
24 U.S. 190 (1976)); (2) breached common law fiduciary duties of care and candor to
25 him as government officials; and (3) broke California law by orchestrating a
26 criminal enterprise to mislead the public in supporting an illegal war against the

27 _____
28 ¹ http://articles.marketwatch.com/2011-12-15/general/30778140_1_iraq-war-iraq-and-afghanistan-veterans-budgetary-assessments

1 people of Iraq.

2 **JURISDICTION AND VENUE**

3 6. This Court has subject matter jurisdiction over the claims and
4 causes of action described herein pursuant to 28 U.S.C. §§ 1331 and 1367.

5 7. Venue is proper in the Northern District of California because
6 Defendant RICE is subject to personal jurisdiction in this district, and the
7 allegations described in this Complaint did not take place in any one judicial
8 district. 28 U.S.C. § 1391(b)(3).

9 8. Personal jurisdiction over Defendants is proper in this Court
10 because Defendants are within the jurisdiction of this Court.

11 **THE PARTIES**

12 9. Plaintiff D. Inder Comar is an attorney licensed to practice law
13 in the State of California. He is a citizen of California and a citizen of the United
14 States.

15 10. Defendant George W. Bush (“BUSH”) was the 43rd President
16 of the United States from 2001 and 2009. Defendant BUSH, under his authority as
17 Commander-in-Chief of the United States armed forces, gave the order to invade
18 Iraq on March 19, 2003. In so ordering the invasion, and as further described in
19 this Complaint, Defendant BUSH joined the conspiracy initiated by Defendants
20 CHENEY, RUMSFELD and WOLFOWITZ to use the United States armed forces
21 to commit the crime of aggression against the people of Iraq. Upon information
22 and belief, Defendant BUSH is a resident of Dallas, Texas.

23 11. Defendant Richard B. Cheney (“CHENEY”) was the 46th Vice
24 President of the United States from 2001 to 2009, under Defendant Bush. As
25 further described in this Complaint, Defendant Cheney participated in a conspiracy
26 in the late 1990s with Defendants RUMSFELD and WOLFOWITZ to use the
27 United States armed forces to commit the crime of aggression against the people of
28 Iraq. Upon information and belief, Defendant CHENEY is a resident of Wilson,

1 Wyoming.

2 12. Defendant Donald H. Rumsfeld (“RUMSFELD”) was the 21st
3 Secretary of Defense of the United States from 2001 to 2006, under Defendant
4 BUSH. As further described in this Complaint, Defendant Rumsfeld participated in
5 a conspiracy in the late 1990s with Defendants CHENEY and WOLFOWITZ to
6 use the United States armed forces to commit the crime of aggression against the
7 people of Iraq. Upon information and belief, Defendant RUMSFELD is a resident
8 of Washington DC.

9 13. Defendant Condoleezza Rice (“RICE”) was the 20th United
10 States National Security Advisor from 2001 to 2005, under Defendant BUSH. As
11 further described in this Complaint, Defendant RICE joined the conspiracy to
12 invade Iraq at least in August 2002, when she joined and participated in the “White
13 House Iraq Group,” a group established by the White House in August 2002 for the
14 sole purpose of convincing the American public that the United States had to
15 invade Iraq. Upon information and belief, Defendant RICE is a resident of
16 Stanford, California.

17 14. Defendant Paul Wolfowitz (“WOLFOWITZ”) was the 25th
18 Deputy Secretary of Defense from 2001 to 2005, under Defendant BUSH. As
19 further described in this Complaint, Defendant WOLFOWITZ was the prime
20 architect of the Iraq War and initiated a conspiracy in the late 1990s with
21 Defendants CHENEY and RUMSFELD to use the United States armed forces to
22 commit the crime of aggression against the people of Iraq. Upon information and
23 belief, Defendant WOLFOWITZ is a resident of Washington DC.

24 **THE PROJECT FOR THE NEW AMERICAN CENTURY**

25 15. In 1997, William Kristol and Robert Kagan formed a think tank
26 in Washington DC called “The Project for the New American Century,” or
27 “PNAC.”

28 16. PNAC included as members Defendants CHENEY,

1 RUMSFELD and WOLFOWITZ.

2 17. Beginning at least as of 1998, Defendants CHENEY,
3 RUMSFELD and WOLFOWITZ entered into conspiracy to invade Iraq. Many of
4 these details are public. For example, on January 26, 1998, Defendants
5 RUMSFELD and WOLFOWITZ signed a letter² to then President William J.
6 Clinton, requesting that the United States implement a “strategy for removing
7 Saddam’s regime from power,” which included a “willingness to undertake
8 military action as diplomacy is clearly failing.” Removing Saddam from power had
9 to “become the aim of American foreign policy.”

10 18. From 1997 to 2000, PNAC produced several documents
11 advocating the military overthrow of Saddam Hussein.³

12 19. On May 29, 1998,⁴ Defendants RUMSFELD and
13 WOLFOWITZ signed a letter to then Speaker of the House Newt Gingrich and
14 Senate Majority Leader Trent Lott in which they advocated that “U.S. policy
15 should have as its explicit goal removing Saddam Hussein’s regime from power
16 and establishing a peaceful and democratic Iraq in its place,” which included the
17 use of “U.S. and allied military power . . . to help remove Saddam from power.”

18 20. On September 18, 1998,⁵ Defendant WOLFOWITZ gave
19 testimony before the House National Security Committee on Iraq in which he
20 stated that the United States had to “liberat[e] the Iraqi people from Saddam’s
21 tyrannical grasp and free Iraq’s neighbors from Saddam’s murderous threats.”
22 Defendant WOLFOWITZ advocated that the United States establish a “safe
23 protected zone in the South” and form a provisional government that would
24 “control the largest oil field in Iraq.”

25 _____
26 ² <http://www.newamericancentury.org/iraqclintonletter.htm>

27 ³ <http://www.newamericancentury.org/iraqmideeast2000-1997.htm>

28 ⁴ <http://www.newamericancentury.org/iraqletter1998.htm>

⁵ <http://www.newamericancentury.org/iraqsep1898.htm>

1 21. Through PNAC, Defendants CHENEY, RUMSFELD and
2 WOLFOWITZ advocated for the military overthrow of Saddam Hussein and the
3 invasion of Iraq.

4 **ONCE IN POWER, DEFENDANTS USE 9/11 AS COVER TO PLAN THEIR**
5 **AGGRESSIVE WAR AGAINST IRAQ**

6 22. In January 2001, Defendant BUSH was sworn in as 43rd
7 President of the United States. Defendant CHENEY was Defendant BUSH's Vice
8 President. Defendant BUSH appointed Defendants RUMSFELD, WOLFOWITZ,
9 RICE and POWELL to high-ranking positions within his administration.

10 23. On September 11, 2001, Saudi Arabian terrorists with links to
11 an Afghan-based group called "al-Qaeda," and headed by Osama bin Laden,
12 hijacked four planes and committed terrorist acts against the American people.

13 24. According to British journalist John Kampfner,⁶ the day of the
14 9/11 attacks, Defendants WOLFOWITZ and RUMSFELD openly pushed for war
15 against Iraq – despite the fact that the 9/11 hijackers were Saudi Arabian and had
16 been based out of Afghanistan. Defendant RUMSFELD asked, "Why shouldn't we
17 go against Iraq, not just al-Qaeda?" with Defendant WOLFOWITZ adding that
18 Iraq was a "brittle, oppressive regime that might break easily—it was doable."

19 25. Kampfner writes, "from that moment on, he and Wolfowitz
20 used every available opportunity to press the case."

21 26. According to Richard A. Clarke,⁷ the former National
22 Coordinator for Security, Infrastructure Protection and Counter-terrorism (and who
23 worked for Presidents George H.W. Bush and William Clinton in some capacity),
24 Defendants WOLFOWITZ, RUMSFELD and BUSH sought to use 9/11 as an
25 excuse to attack Iraq.

26 _____
27 ⁶ Jonathan Kampfner, *Blair's Wars* (Simon and Schuster 2003).

28 ⁷ This information is lifted from press articles and Richard A. Clarke, *Against All
Enemies – Inside America's War On Terror* (Free Press 2004).

1 27. On Wednesday, September 12, 2001, the day after 9/11,
2 Richard A. Clarke heard Defendant RUMSFELD state that the United States had to
3 broaden its objectives by “getting Iraq.”⁸ Defendant POWELL pushed back, urging
4 a focus on al-Qaeda. Richard A. Clarke stated, “Having been attacked by al-Qaeda,
5 for us now to go bombing Iraq in response would be like our invading Mexico after
6 the Japanese attacked us at Pearl Harbor.”

7 28. Later in the day, Richard A. Clarke heard Defendant
8 RUMSFELD complain that there were no decent targets for bombing in
9 Afghanistan and that the United States military should consider bombing Iraq,
10 which, he said, had better targets. At first Richard A. Clarke thought Rumsfeld was
11 joking. But he was serious, and Defendant BUSH did not reject out of hand the
12 idea of attacking Iraq. Instead, Defendant BUSH noted that what the United States
13 needed to do with Iraq was to change the government, not just hit it with more
14 cruise missiles, as Defendant RUMSFELD had implied.

15 29. On September 12, 2001, the day after the 9/11 attacks,
16 Defendant BUSH approached Richard A. Clarke and a few other people and stated,
17 “I know you have a lot to do and all, but I want you, as soon as you can, to go back
18 over everything, everything. See if Saddam did this. See if he’s linked in any way.”
19 Richard A. Clarke was again incredulous. He responded, “But, Mr. President, Al
20 Qaeda did this.” Defendant BUSH responded, “I know, I know, but - see if
21 Saddam was involved. Just look. I want to know any shred-” “Absolutely, we will
22 look-again,” Richard A. Clarke answered. “But you know, we have looked several
23 times for state sponsorship of Al Qaeda and not found any real linkages to Iraq.
24 Iran plays a little, as does Pakistan, and Saudi Arabia, Yemen.” “Look into Iraq,
25 Saddam,” Defendant BUSH responded.

26 30. According to Richard A. Clarke, the Bush Administration had

27 _____
28 ⁸ <http://www.nytimes.com/2004/03/28/books/chapters/0328-1st-clarke.html?pagewanted=all>

1 been focused on Iraq **prior** to the attacks of 9/11: so focused that **they failed to**
2 **listen to warnings** that al-Qaeda-linked terrorists were planning a spectacular
3 attack.

4 31. For example, on January 25, 2001, four days after Defendant
5 BUSH was inaugurated, Richard A. Clarke wrote to Defendant RICE and asked for
6 a cabinet-level meeting to discuss the threat posed by al-Qaeda and suggesting how
7 the United States should respond.⁹

8 32. Defendant RICE downgraded Richard A. Clarke's position so
9 that he no longer had direct access to the president, a privilege he had enjoyed
10 under President Clinton.

11 33. In April 2001, Richard A. Clarke met with Defendant
12 WOLFOWITZ to discuss the threat posed by al-Qaeda. Defendant WOLFOWITZ
13 responded, "I just don't understand why we are beginning by talking about this one
14 man bin Laden." He told Richard A. Clarke, "You give bin Laden too much credit.
15 He could not do all these things like the 1993 attack on New York, not without a
16 state sponsor. Just because FBI and CIA have failed to find the linkages does not
17 mean they don't exist."¹⁰

18 34. Defendant WOLFOWITZ was repeating a discredited theory
19 that Iraq had been behind the 1993 attack, which was not true.

20 35. On August 6, 2001, Defendant BUSH received a briefing from
21 the CIA entitled, "Bin Ladin [sic] Determined To Strike US."¹¹

22 36. Defendants were on notice of an attack against the United
23 States by al-Qaeda but failed to listen to warnings of an attack because they were
24 too focused on looking for ways to attack Iraq.

25 **IN JULY 2002, THE BRITISH GOVERNMENT LEARNS THAT**

26 _____
27 ⁹ <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB147/index.htm>

28 ¹⁰ http://www.cbsnews.com/8301-18560_162-607774.html

¹¹ <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB116/index.htm>

1 **DEFENDANTS EXECUTE A PLAN TO SCARE THE AMERICAN PUBLIC**
2 **SO THAT THEY CAN INVADE IRAQ**

3 41. In August 2002, the White House established a group called the
4 White House Iraq Group (“WHIG”), the purpose of which was to convince the
5 American public into supporting a war against Iraq. Defendant RICE was a
6 member of WHIG, along with Karl Rove, I. Lewis (“Scooter”) Libby, and other
7 high-ranking Bush Administration officials.

8 42. At a September 5, 2002 WHIG meeting, the term “smoking
9 gun/mushroom cloud” was unveiled related to the supposed nuclear dangers posed
10 by Saddam Hussein. According to Newsweek columnist Michael Isikoff, “The
11 original plan had been to place it in an upcoming presidential speech, but WHIG
12 members fancied it so much that when the *Times* reporters contacted the White
13 House to talk about their upcoming piece [about aluminum tubes], one of them
14 leaked Gerson’s phrase – and the administration would soon make maximum use
15 of it.”¹³

16 43. On September 7, 2002 unnamed White House officials told the
17 New York Times¹⁴ that the Bush Administration was unveiling this strategy to
18 “persuade the public, the Congress and the allies of the need to confront the threat
19 from Saddam Hussein.”

20 44. The New York Times also reported that White House Chief of
21 Staff Andrew Card, Jr., explained that the Bush Administration waited until after
22 Labor Day to begin this push because “From a marketing point of view you don’t
23 introduce new products in August.”

24 45. The New York Times reported that the centerpiece of the
25

26 ¹³ Michael Isikoff and David Corn, *Hubris: The Inside Story of Spin, Scandal, and*
27 *the Selling of the Iraq War* (Crown Publishers, New York, September 8, 2006),
p. 35.

28 ¹⁴ <http://www.nytimes.com/2002/09/07/us/traces-of-terror-the-strategy-bush-aides-set-strategy-to-sell-policy-on-iraq.html>

1 strategy would be to use Mr. Bush’s “speech on September 11 to help move
2 Americans towards support of action against Iraq, which could come early next
3 year.”

4 46. An August 10, 2003 article in the Washington Post confirmed
5 that during this period from September 2002 to the initiation of the war,
6 Defendants engaged in a “pattern” of “depicting Iraq’s nuclear weapons program
7 as more active, more certain and more imminent in its threat than the data they had
8 would support.”¹⁵

9 47. On September 8, 2002, Defendant RICE told CNN’s Late
10 Edition that Saddam Hussein was “actively pursuing a nuclear weapon.” “There
11 will always be some uncertainty about how quickly he can acquire nuclear
12 weapons but we don’t want the smoking gun to be a mushroom cloud.”

13 48. In 2008,¹⁶ former Bush aide and press secretary Scott
14 McClellan would write that Defendants engaged in a “political propaganda
15 campaign” aimed at “manipulating sources of public opinion.”

16 **DEFENDANTS FALSELY LINK AL-QAEDA TO IRAQ**

17 49. Despite the fact that there has never been any proof of any
18 operational cooperation between al-Qaeda and Iraq, Defendants engaged in a
19 pattern and practice of deceiving the American public into believing that such a
20 link existed, in order to win public approval for a war of aggression against Iraq.

21 50. On October 7, 2002, Defendant BUSH told the American
22 Public that “Iraq and al Qaeda have had high-level contacts that go back a decade.
23 Some al Qaeda leaders who fled Afghanistan went to Iraq. These include one very
24 senior al Qaeda leader who received medical treatment in Baghdad this year, and
25

26 ¹⁵ [http://www.washingtonpost.com/wp-](http://www.washingtonpost.com/wp-dyn/content/article/2006/06/12/AR2006061200932.html)
27 [dyn/content/article/2006/06/12/AR2006061200932.html](http://www.washingtonpost.com/wp-dyn/content/article/2006/06/12/AR2006061200932.html)

28 ¹⁶ [http://www.washingtonpost.com/wp-](http://www.washingtonpost.com/wp-dyn/content/article/2008/05/27/AR2008052703679.html)
[dyn/content/article/2008/05/27/AR2008052703679.html](http://www.washingtonpost.com/wp-dyn/content/article/2008/05/27/AR2008052703679.html)

1 who have been associated with planning for chemical and biological attacks.
2 We've learned that Iraq has trained as Qaeda members in bomb-making and
3 poisons and deadly gases. And we know that after September the 11th, Saddam
4 Hussein's regime gleefully celebrated the terrorist attacks on America."¹⁷

5 51. In this same speech, Defendant BUSH claimed that Saddam
6 Hussein had a group of "nuclear mujahaideen – his nuclear holy warriors."

7 52. On October 14, 2002, Defendant BUSH stated that Saddam
8 Hussein "has had connections with al Qaeda. This is a man who, in my judgment,
9 would like to use al Qaeda as a forward army."¹⁸

10 53. Defendant BUSH made these statements despite the fact that
11 ten days after the 9/11 attacks, he was told in his daily brief ("PDB") from the CIA
12 that there was no evidence linking Iraq to 9/11 and scant evidence that Iraq had any
13 collaborative ties with al Qaeda.¹⁹

14 54. A Defense Intelligence Agency document from February 2002
15 confirmed that the source of the intelligence linking Iraq to al Qaeda was a likely
16 fabricator and "intentionally misleading" his interrogators.²⁰ The report concluded,
17 "Saddam's regime is intensely secular and is wary of Islamic revolutionary
18 movements. Moreover, Baghdad is unlikely to provide assistance to a group it
19 cannot control."

20 55. On December 9, 2001,²¹ Defendant CHENEY alleged that an
21 Iraqi intelligence officer met with one of the 9/11 hijackers (Mohammed Atta) in

22
23 ¹⁷ <http://georgewbush-whitehouse.archives.gov/news/releases/2002/10/20021007-8.html>

24 ¹⁸ <http://georgewbush-whitehouse.archives.gov/news/releases/2002/10/20021014-3.html>

25 ¹⁹ <http://www.nationaljournal.com/whitehouse/key-bush-intelligence-briefing-kept-from-hill-panel-20051122>

26 ²⁰ http://www.nytimes.com/2005/11/06/politics/06intel.ready.html?pagewanted=all&_r=0

27
28 ²¹ <http://georgewbush-whitehouse.archives.gov/vicepresident/news-speeches/speeches/print/vp20011209.html>

1 the Czech Republic. He repeated this allegation again in September 2003.²²

2 56. No such meeting took place, and in 2006, Defendant CHENEY
3 retracted this statement.²³

4 57. In February 2003, Defendant POWELL gave a speech to the
5 United Nations Security Council on the issue of Iraq, considered critical to winning
6 approval for military action. In that speech, Defendant POWELL stated²⁴ that Iraq
7 “harbors a deadly terrorist network headed by Abu Musab Al-Zarqawi, an
8 associated collaborator of Osama bin Laden and his al-Qaeda lieutenants.” He
9 stated that Saddam Hussein was “more willing to assist al-Qaida after the 1998
10 bombings of [US] embassies in Kenya and Tanzania.” He alleged that, “From the
11 late 1990s until 2001, the Iraqi Embassy in Pakistan played the role of liaison to
12 the Al Qaeda organization.”

13 58. In a 2005 interview with ABC News, Defendant POWELL
14 admitted he felt “terrible” about this speech and considered it a “blot” on his
15 record.²⁵

16 59. When asked about a specific Iraq and al-Qaeda connection,
17 Defendant POWELL admitted, “I have never seen a connection . . . I can’t think
18 otherwise because I’d never seen evidence to suggest there was one.” Defendant
19 POWELL thus admitted that the allegations given in his speech were untrue.

20 **DEFENDANTS COMMIT THE CRIME OF AGGRESSION**

21 **AGAINST IRAQ**

22 60. On March 19, 2003, the United States, upon the order of
23 Defendant BUSH and in coordination with other Defendants, invaded Iraq.

24 61. Defendants failed to secure United Nations authorization for the

25 ²² <http://www.nbcnews.com/id/3080244/default.htm#.UTPUdRms1JM>

26 ²³ <http://georgewbush-whitehouse.archives.gov/news/releases/2006/03/20060329-2.html>

27 ²⁴ <http://www.guardian.co.uk/world/2003/feb/05/iraq.usa3>

28 ²⁵ <http://www.guardian.co.uk/world/2003/feb/05/iraq.usa3>

1 war. Article 39 of the United Nations Charter requires the United Nations Security
2 Council to “determine the existence of any threat to the peace, breach of the peace,
3 or act of aggression and shall make recommendations, or decide what measures
4 shall be taken in accordance with Articles 41 and 42 to maintain or restore
5 international peace and security.”

6 62. No such determination was ever or has ever been made by the
7 United Nations Security Council.

8 63. On March 19, 2003, there was no imminent humanitarian
9 disaster or event in Iraq requiring the intervention of a foreign power.

10 64. On March 19, 2003, Iraq did not pose an imminent military
11 threat requiring the use of the American military in self-defense.

12 65. Even had Iraq posed an imminent military threat on March 19,
13 2003 (which it did not), the invasion of Iraq was not reasonably related or
14 proportionate to the threat posed.

15 66. On September 14, 2004, United Nations Secretary General Kofi
16 Annan stated,²⁶ “I have indicated it was not in conformity with the UN charter.
17 From our point of view and from the charter point of view it was illegal.”

18 67. By invading Iraq, Defendants committed the crime of
19 aggression, which is a violation of a customary norm of international law.

20 COUNT I

21 **(Breach of Plaintiff’s First Amendment Rights)**

22 68. Plaintiff incorporates herein Paragraphs 1 through 67 of this
23 Complaint.

24 69. Plaintiff has a right based in the First Amendment to honest
25 information from government officials, particularly in matters of war and peace.

26 70. Defendants breached this right by presenting faulty intelligence
27

28 ²⁶ <http://www.guardian.co.uk/world/2004/sep/16/iraq.iraq>

1 to the public prior to the Iraq War, in an attempt to mislead the public about the
2 threat posed by Iraq.

3 71. Defendants breached this right by engaging in a calculated
4 propaganda campaign designed to convince the public to invade Iraq.

5 72. Plaintiff has been damaged by Defendants' conduct in the form
6 of increased taxes and economic instability in an amount to be proven at trial.
7 Specifically, Defendants' conduct has resulted in a \$4 trillion costs to the
8 American economy, of which Plaintiff is a part. Plaintiff will present expert
9 testimony at trial regarding his damages.

10 73. Plaintiff is aware of *Nixon v. Fitzgerald*, 457 U.S. 731 (1982) in
11 which the United States Supreme Court held in a 5-4 decision that the President of
12 the United States possesses immunity in civil court for actions taken pursuant to
13 his official duties as President. Plaintiff submits that *Nixon* is distinguishable in
14 that she alleges violations of constitutional rights. Plaintiff submits that *Nixon* does
15 not prohibit a cause of action against the President or any other Executive official
16 who violates the Constitution. To the extent that *Nixon* stands for the proposition
17 that the person holding the office of President cannot be held civilly liable for
18 violations of the Constitution, then Plaintiff submits that *Nixon* is wrongly decided
19 and in direct contravention of accepted principles of the common law, particularly
20 the principle that rulers are "under God and the law."

21 74. In light of Defendants' willful, knowing and intentional
22 violations of law against Plaintiff, and in light of their reckless and callous
23 indifference to the impact their actions would have on innocent Iraqi civilians, the
24 United States economy, their breach of international peace, their deception and
25 fraud to the democratic polity which elected them, and their reprehensible and
26 cowardice use of a terrorist attack to commit the crime of aggression against
27 another a country that posed no threat to the United States, endangering the United
28 States armed forces and millions of Iraqi civilians for their own malicious

1 purposes, Plaintiff seeks an award of punitive and exemplary damages in an
2 amount to be determined at trial.

3 **COUNT II**

4 **(Breach of Common Law Fiduciary Duty)**

5 75. Plaintiff incorporates herein Paragraphs 1 through 74 of this
6 Complaint.

7 76. As public officials charged with upholding the federal
8 Constitution and defending the republic from all enemies foreign and domestic,
9 Defendants possess fiduciary duties to the public, including Plaintiff. This duty is
10 based in the common law.

11 77. Specifically, Defendants possessed fiduciary duties of care and
12 candor to the public.

13 78. By presenting faulty intelligence and “fixing” the facts to
14 support a war, Defendants violated their duty of care to Plaintiff.

15 79. By engaging in deception with respect to the Iraq War,
16 Defendants violated their fiduciary duty of candor to Plaintiff.

17 80. Plaintiff is aware of *Nixon v. Fitzgerald*, 457 U.S. 731 (1982) in
18 which the United States Supreme Court held in a 5-4 decision that the President of
19 the United States possesses immunity in civil court for actions taken pursuant to
20 his official duties as President. Plaintiff submits that *Nixon* is distinguishable in
21 that he alleges violations of basic duties owed by Defendants, which include a
22 former President. Plaintiff submits that *Nixon* does not prohibit a cause of action
23 against the President or any other Executive official who breaches their fiduciary
24 duty of care or their duty of candor. To the extent that *Nixon* stands for the
25 proposition that the person holding the office of President cannot be held civilly
26 liable for breaching such basic obligations – which may include deceiving the
27 public into entering into a war – Plaintiff submits that *Nixon* is wrongly decided
28 and in direct contravention of accepted principles of the common law, particularly

1 the principle that rulers are “under God and the law.”

2 81. Plaintiff has been damaged by Defendants’ conduct in the form
3 of increased taxes and economic instability in an amount to be proven at trial.
4 Specifically, Defendants’ conduct has resulted in a \$4 trillion costs to the
5 American economy, of which Plaintiff is a part. Plaintiff will present expert
6 testimony at trial regarding his damages.

7 82. In light of Defendants’ willful, knowing and intentional
8 violations of law against Plaintiff, and in light of their reckless and callous
9 indifference to the impact their actions would have on innocent Iraqi civilians, the
10 United States economy, their breach of international peace, their deception and
11 fraud to the democratic polity which elected them, and their reprehensible and
12 cowardice use of a terrorist attack to commit the crime of aggression against
13 another a country that posed no threat to the United States, endangering the United
14 States armed forces and millions of Iraqi civilians for their own malicious
15 purposes, Plaintiff seeks an award of punitive and exemplary damages in an
16 amount to be determined at trial.

17 **COUNT III**

18 **(Breach of Cal. Bus. & Prof. Code § 17200, et seq. against all Defendants)**

19 83. Plaintiff incorporates herein Paragraphs 1 through 82 of this
20 Complaint.

21 84. California law prohibits “fraudulent” business practices, which
22 includes any practice where “members of the public are likely to be deceived.”
23 *Committee on Children’s Television v. Gen. Foods Corp.* (1983) 35 Cal.3d 197.

24 85. An enterprise engaged entirely in criminal conduct is a
25 “business” for purposes of Cal. Bus. & Prof. Code § 17200, et seq. *People v.*
26 *E.W.A.P., Inc.* (1980) 106 Cal.App.3d 315.

27 86. Defendants entered into a criminal enterprise by planning to
28 commit the crime of aggression against the Iraq people as early as 1998. The crime

