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Iraq War Veteran Joins Law Suit Challenging Constitutionality of the War

Newark, N.J. - Iraq War veteran William Joseph Wheeler was added today to the law suit pending in the Federal District Court in Newark challenging the legality of the War in Iraq absent a Congressional declaration.

The law suit was filed originally in May on behalf of New Jersey Peace Action (NJPA) and two mothers of Iraq war veterans who are part of Military Families Speak Out. The Amended Complaint was filed today by plaintiffs' attorneys, Professor Frank Askin of the Rutgers Law School Constitutional Litigation Clinic, and Bennet Zurofsky of Newark, the general counsel of NJPA.

Wheeler, who resides in Windsor, California, was honorably discharged from the Army in 2004 after serving nearly three years in Iraq as a member of the 240th Forward Surgical Team, and was part of the original Iraq invasion force. He was among the first U.S. troops establishing control over the Tikrit airfield. He is subject to recall to duty until May 2009.

"I and my comrades in arms were ordered to invade and occupy Iraq as a result of an unconstitutional order issued by President George W. Bush," Wheeler stated. "For a long period of time, we were subject to hostile mortar attacks on a nightly basis, and were all subject to emotional, psychological and physical effects arising from the ordeal of combat, all because of the President's illegal war."

The suit alleges that Article I, Section 8 of the United States Constitution prohibits the President from launching an offensive war against a sovereign nation without a clear Declaration of War by Congress. The Complaint sets forth in great detail the history of the adoption of Article I, Section 8 by the Constitutional Convention in the summer of 1787. It notes that Thomas Jefferson, who was stationed in Paris during the Convention, congratulated the delegates for having "chained the dog of War" by assigning the war-declaring authority to Congress, and declining to allow one individual to exercise that awesome power.

The law suit seeks only a Declaratory Judgment that the President may not wage an offensive war against a sovereign nation absent a clear Congressional vote. It does not ask the Court to interfere with the hostilities in

Iraq. But it does note the necessity for a judicial declaration in light of recent presidential threats involving Iran, Georgia and Pakistan.

A copy of the Amended Complaint can be e-mailed from any of the contact persons listed above.

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