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## **Saddam's Capture Means Trouble for U.S. Officials**

**by Jacob G. Hornberger**

In his official statement celebrating the capture of Saddam Hussein, President Bush announced that “the former dictator of Iraq will face the justice he denied to millions.” Notably lacking from the president’s statement, however, was whether the U.S. government would agree to relinquish control over Hussein’s trial to the Iraqi government or to an international tribunal consisting of independent judges.

Why wouldn’t U.S. officials readily agree to relinquish jurisdiction over Hussein’s trial? Because of their need to closely guard the secrets that Saddam Hussein has in his possession — secrets that would cause no small amount of embarrassment to the U.S. government, including former president Ronald Reagan, former vice-president and former president George H.W. Bush (the president’s father), and Donald Rumsfeld, the president’s secretary of defense.

One of those secrets is the extent of the relationship that existed between the Reagan and Bush I administrations and Saddam Hussein, the details of which have never been fully disclosed by U.S. officials. There is, of course, the [famous photograph](#) on the Internet in which Rumsfeld and Hussein are shaking hands and making conversation in Baghdad in 1983. How did that meeting get set up? Who was involved in the decision-making process? What was discussed? What agreements were entered into?

Saddam’s testimony at trial could provide some of the answers. And that prospect — of Saddam Hussein testifying freely, openly, and publicly about his relationship with Ronald Reagan, President Bush I, and Donald Rumsfeld — would undoubtedly strike terror into the hearts and minds of many U.S. officials.

Imagine if the exact nature of the relationship between Reagan-Bush and Saddam Hussein were to hit the front pages of newspapers all over the world on a daily basis, as Hussein filled in his side of the details during his public testimony at trial.

And there’s a bigger secret, whose details would undoubtedly terrify U.S. officials even more — that it was the Reagan-Bush administration that furnished Saddam Hussein with the weapons of mass destruction (1) that he employed against the Iranian and Iraqi people, and (2)

that U.S. and UN officials used as the excuse for imposing the brutal 12-year embargo against Iraq, whose resulting deaths of Iraqi children arguably were a principal motivating factor behind the September 11 attacks, and (3) that President Bush ultimately relied upon as his principal justification for invading Iraq.

Consider the following excerpt from an article entitled "[How Iraq Built Its Weapons Programs](#)" in the March 16, 2003, issue of the *St. Petersburg Times*:

U.N. inspectors are working against the clock to figure out if Iraq retains chemical and biological weapons, the systems to deliver them, and the capacity to manufacture them. And here's the strange part, easily forgotten in the barrage of recent rhetoric: It was Western governments and businesses that helped build that capacity in the first place. From anthrax to high-speed computers to artillery ammunition cases, the militarily useful products of a long list of Western democracies flowed into Iraq in the decade before its 1990 invasion of Kuwait.

In that same article, former U.S. Sen. Donald Riegle is quoted as saying, "What is absolutely crystal clear is this: That if Saddam Hussein today has a large arsenal of biological weapons, partly it was the United States that provided the very live viruses that he needed to create those weapons."

As ABC News put it in an article entitled "[A Tortured Relationship](#),"

Indeed, even as President Bush castigates Saddam's regime as "a grave and gathering danger," it's important to remember that the United States helped arm Iraq with the very weapons that administration officials are now citing as justification for Saddam's forcible removal from power.

That same article made a pointed observation about President George H.W. Bush (the president's father):

In 1988, the same year the Iran-Iraq war ended, a new U.S. president was elected. George Herbert Walker Bush came into office determined to pursue a policy of engagement with Saddam. In fact, his first year in office, President Bush signed a secret executive order, National Security Directive Number 26. It called for even closer ties between the United States and Iraq.

In a September 25, 2002, article entitled "[Following Iraq's Bioweapons Trail](#)," author Robert Novak wrote,

An eight-year-old Senate report confirms that disease-producing and poisonous materials were exported, under U.S. government license, to Iraq from 1985 to 1988 during the Iran-Iraq war.

Furthermore, the report adds, the American-exported materials were identical to microorganisms destroyed by United Nations inspectors after the Gulf War. The shipments were approved despite allegations that Saddam used biological weapons against Kurdish rebels and (according to the current official U.S. position) initiated war with Iran.

Why did Ronald Reagan and George H.W. Bush enter into a close relationship with Saddam Hussein? Why did they furnish him with weapons of mass destruction? It's impossible to know for sure but the most likely reason was that U.S. officials intended for Hussein to use such weapons against the Iranian people during the Iran-Iraq war of the 1980s.

Were U.S. officials aware of Saddam Hussein's brutal nature when they entered into their pact with him and furnished him with weapons of mass destruction? According to the *St. Petersburg Times* article, U.S. officials continued sending weapons of mass destruction to Hussein even after hearing that Iraqi forces had used such weapons in the Iraqi town of Halabja in March 1988. In a February 3, 2003, article entitled "[Reaping the Grim Harvest We Have Sown](#)" in the *Sydney Morning Herald*, author Anne Summers cites a *Washington Post* report stating that after Rumsfeld visited Saddam Hussein in 1983 as President Reagan's special envoy, "U.S. intelligence and logistical support played a crucial role in shoring up Iraqi defenses" despite express warnings from the U.S. State Department that Iraq was engaged in "almost daily use of CW [chemical weapons]" against Iran in violation of the 1925 Geneva Protocol.

Citing a [critical New York Times report](#) in a August 18, 2000, MSNBC article entitled "[Rumsfeld Key Player in Iraq Policy Shift](#)," author Robert Windrem wrote,

The *New York Times* reported Sunday that United States gave Iraq vital battle-planning help during its war with Iran as part of a secret program under President Reagan — even though U.S. intelligence agencies knew the Iraqis would unleash chemical weapons. The covert program involved more than 60 officers of the Defense Intelligence Agency who helped Iraq in its eight-year war with Iran by providing detailed information on Iranian military deployments, tactical planning for battles, plans for airstrikes and bomb-damage assessments, the Times said. The Times said it based its report on comments by senior U.S. military officers with direct knowledge of the program, most of whom spoke on condition of anonymity.

Given that these things have been buried and forgotten in the wake of President Bush's invasion of Iraq, to have it all dredged up again, especially by the worldwide press covering Saddam Hussein's trial, would undoubtedly be one great big nightmare for President Bush, his father, Secretary of Defense Rumsfeld, and other U.S. officials. The reluctance to delve into this uncomfortable subject was recently confirmed by two episodes:

The first episode involved Rumsfeld's claim of a memory lapse regarding the matter, as reported by the [Associated Press](#):

Are we, in fact, now facing the possibility of reaping what we have sown?" [U.S. Senator Robert] Byrd asked Rumsfeld after reading parts of a *Newsweek* article on the transfers. "I have never heard anything like what you've read, I have no knowledge of it whatsoever, and I doubt it," Rumsfeld said. He later said he would ask the Defense Department and other agencies to search their records for evidence of the transfers.

The second episode involved Saddam Hussein's delivery of his weapons report to the United Nations shortly before President Bush invaded Iraq. U.S. officials hijacked the report before it could be released to the public and excised the parts in which Hussein detailed who exactly had furnished him with the WMD. According to the *Sydney Morning Herald* article by Anne Summers:

What is known is that the 10 non-permanent members had to be content with an edited, scaled-down version. According to the German news agency DPA, instead of the 12,000 pages, these nations — including Germany, which this month became president of the Security Council — were given only 3,000 pages. So what was missing? The *Guardian* reported that the nine-page table of contents included chapters on "procurements" in Iraq's nuclear program and "relations with companies, representatives and individuals" for its chemical weapons program. This information was not included in the edited version.

If U.S. officials insist on retaining control over Hussein's case, what are they going to charge him with — "misleading President Bush into mistakenly believing that he still possessed the weapons of mass destruction that the president's father gave him"? Given that Iraq never attacked or threatened to attack the United States and given that Hussein and Reagan-Bush were allies during the entire 1980s, what other offense against the United States could they conceivably charge him with during that period of time?

If U.S. officials relinquish control over Hussein's case to the Iraqis or to an international tribunal of independent (i.e., non-U.S. or British) judges, there's a good possibility that Hussein will be charged with employing chemical weapons both against Iran and his own people. But how do they explain the failure to indict the U.S. officials who furnished him with those weapons in the first place? How do U.S. officials prevent the tribunal from permitting Hussein to testify to the world about such matters in an open (i.e., non-secret) proceeding?

If U.S. officials retain control over the case in order to charge Hussein with war crimes against the United States arising out of the resistance to the U.S. occupation, that would enable

Hussein to argue that the invasion itself violated the war-of-aggression principle enunciated at the Nuremberg War Crimes Tribunal, especially given that Bush's principle justification for invading — that is, the continued existence of the weapons of mass destruction that Reagan-Bush had furnished Hussein in the 1980s — was groundless.

Moreover, who can doubt that Hussein will use his trial to charge the United States and the United Nations with crimes against humanity arising out of the brutal 12-year economic embargo against Iraq, which contributed to the deaths of hundreds of thousands of innocent people — an embargo that U.S. officials continually justified on the claim that Iraq still possessed the weapons of mass destruction that U.S. officials had delivered to him during the 1980s? After all, don't forget that two high UN officials resigned their positions on moral grounds arising out of the massive number of deaths that the sanctions were producing year after year.

If they charge Hussein with the mass graves arising out of the post-Persian Gulf War rebellion in the southern part of Iraq, won't Hussein and his legal staff defend by arguing that the killings were necessary to suppress an illegal rebellion against the Iraqi government that had been inspired by the president's father?

How likely is it that U.S. officials will permit Saddam Hussein to be delivered to a tribunal whose judges they are unable to control — to judges who would permit Hussein to testify freely, openly, and publicly about the details of his relationship with Reagan-Bush officials to a transfixed world. Indeed, the real question is: Will President Bush permit Saddam Hussein to be put on trial for anything? As U.S. officials begin to reflect upon the legal quandary that Hussein's capture has put them in, they will undoubtedly come to rue the day that U.S. soldiers treated his capture differently than they way they treated the capture of his two sons.

*Mr. Hornberger is founder and president of The Future of Freedom Foundation.*

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