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The Iraq War's Known Unknowns

By *Ray McGovern* January 26, 2016

There is a lot more than meets the eye in the newly revealed Joint Chiefs of Staff intelligence briefing of Sept. 5, 2002, which showed there was a lack of evidence that Iraq had weapons of mass destruction (WMD) – just as President George W. Bush's administration was launching its sales job for the Iraq War.

The briefing report and its quick demise amount to an indictment not only of Defense Secretary Donald Rumsfeld but also of Chairman of the Joint Chiefs Richard Myers, who is exposed once again as a Rumsfeld patsy who put politics ahead of his responsibility to American soldiers and to the nation as a whole.

In a Jan. 24 report at Politico entitled "What Donald Rumsfeld Knew We Didn't Know About Iraq," journalist John Walcott presents a wealth of detail about the JCS intelligence report of Sept. 5, 2002, offering additional corroboration that the Bush administration lied to the American people about the evidence of WMD in Iraq.

The JCS briefing noted, for example: "Our knowledge of the Iraqi (nuclear) weapons program is based largely – perhaps 90% – on analysis of imprecise intelligence."

Small wonder that the briefing report was dead on arrival in Rumsfeld's in-box. After all, it proved that the intelligence evidence justifying war was, in Rumsfeldian terms, a "known

unknown." When he received it on Sept. 5 or 6, the Defense Secretary deep-sixed it – but not before sending it on Sept. 9 to Gen. Richard Myers (who he already knew had a copy) with a transparently disingenuous CYA note: "Please take a look at this material as to what we don't know about WMD. It is big. Thanks."

Absent was any notation such as "I guess we should tell the White House to call off its pro-war sales campaign based on Iraq possessing WMD since we don't got the goods." Without such a direct instruction, Rumsfeld could be sure that Gen. Myers would not take the matter further.

Myers had already proven his "company man" mettle by scotching a legal inquiry that he had just authorized to provide the armed forces with guidance on permitted interrogation techniques. All that it took to ensure a hasty Myers retreat was a verbal slap-down from Rumsfeld's general counsel, William James Haynes II, as soon as Haynes got wind of the inquiry in November 2002. (More on that below.)

The more interesting story, in my view, is not that Rumsfeld was corrupt (yawn, yawn), but that so was his patsy, Air Force Gen. Richard Myers, the country's top uniformed military officer at the time. Myers has sported a well-worn coat of blue Teflon up until now.

Even John Walcott, a member of the Knight-Ridder team that did the most responsible pre-Iraq-War reporting, lets the hapless Myers too easily off the hook in writing: "Myers, who knew as well as anyone the significance of the report, did not distribute it beyond his immediate military colleagues and civilian boss, which a former aide said was consistent with the role of the chairman of the Joint Chiefs."

Principal Military Adviser to the President

That "former aide" is dead wrong on the last point, and this is key. The Chairman of the Joint Chiefs works directly for *two* bosses: the President of the United States, whom he serves as the principal military adviser, and the Secretary of Defense. The JCS Chairman has the statutory authority – indeed, the duty – to seek direct access to the President to advise him in such circumstances, bearing on war or peace.

Indeed, in his 2009 memoir, *Eyes on the Horizon*, Gen. Myers himself writes, "I was legally obligated to provide the President my best military advice – not the best advice as approved by the Secretary of Defense."

But in reality, Myers wouldn't and he didn't. And that – quite simply – is why Rumsfeld picked him and others like him for leading supporting roles in the Pentagon. And so the Iraq War came – and, with it, catastrophe for the Middle East (with related disorder now spreading into Europe).

Could Gen. Myers have headed off the war had he had the courage to assert his prerogative to go directly to President Bush and tell him the truth? Sad to say, with Bush onboard as an eager "war president" and with Vice President Dick Cheney and Rumsfeld intimidating the timid Secretary of State Colin Powell and with National Security Advisor Condoleezza Rice and CIA Director

George Tenet fully compliant, it is not likely that Myers could have put the brakes on the rush to invade Iraq simply by appealing to the President.

After all, the JCS briefing coincided with the start of the big sales pitch for the Iraq War based on alarming claims about Iraq possessing WMD and possibly developing a nuclear bomb. As White House chief of staff Andrew Card explained the September timing of the ad campaign, "From a marketing point of view, you don't introduce new products in August."

Just three days after the date of the JCS intelligence report depicting the shallowness of the intelligence on the issue of WMD in Iraq, the White House, with the help of The New York Times and other "mainstream media," launched a major propaganda offensive.

On Sept. 8, 2002, a New York Times front-pager – headlined "US Says Hussein Intensifies Quest for A-Bomb Parts" by Judith Miller and Michael Gordon – got the juggernaut rolling downhill to war. Their piece featured some aluminum tubes that they mistakenly thought could be used only for nuclear centrifuges (when they were actually for conventional artillery). Iraq's provocative behavior, wrote the Times, has "brought Iraq and the United States to the brink of war."

Or as NSC Advisor Rice summed it up on the Sunday talk shows later that day, "we don't want the smoking gun to be a mushroom cloud."

But it was clear the fix was in even earlier. The British "Downing Street Minutes" of July 23, 2002, show that Tenet told his British counterpart, Richard Dearlove, that – as Dearlove described the message to Prime Minister Tony Blair – that "Military action was now seen as inevitable. Bush wanted to remove Saddam, through military action, justified by the conjunction of terrorism and WMD. But the intelligence and facts were being fixed around the policy."

However, despite the obstacles, Richard Myers, like so many of us, took a solemn oath to support and defend the Constitution of the United States against all enemies foreign and domestic. For many of us who wore the uniform and took "duty, honor, country" seriously, it is hard to give Myers a get-out-of-jail-free card when it comes to blame for the Iraq War.

No matter the odds against success, his duty was to go directly to the President and make the case. If he was rebuffed, he should have quit and gone public, in my view. (How long has it been since anyone of high rank has quit on principle?)

The Chairman of the Joint Chiefs quitting over plans for an unnecessary war? Not even The New York Times and The Washington Post – as fully in the tank as they were for the Iraq War – would have been able to suppress that story in 2002. And, had Myers gone public he might have succeeded in injecting slippery grease under the roll-out of Card's "new product."

Imagine what might have happened had Myers gone public at that point. It is all too easy to assume that Bush and Cheney would have gotten their war anyway. But who can tell for sure? Sometimes it takes just one senior official with integrity to spark a hemorrhage of honesty.

However the outcome would have turned out at least Myers would been spared the pain of looking into the mirror every morning – and thinking back on what might have been.

A Modern Rumsfeld General

This was not the first time that Myers, who served as JCS chairman from 2001 to 2005, was derelict in duty by playing the toady. He had acquiesced in Bush's and Rumsfeld's approval of torture in February 2002, even before going along with a gross violation of international law – launching the attack on Iraq absent any imminent threat and without the required approval by the UN Security Council.

On torture, the seldom mentioned smoking gun was a two-page executive memorandum signed by George W. Bush on Feb. 7, 2002, in which the President declared that Common Article 3 of the Geneva Conventions did not apply to Al Qaeda and Taliban detainees. Instead, they would be treated "humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles of Geneva," the memo said, using vague and permissive language that, in effect, opened the door to torture and other abuses. Gen. Myers was one of eight addressees.

On May 11, 2009 Myers was in Washington peddling his memoir *Eyes on the Horizon* and spoke at a Harvard Business School Alumni dinner. I seldom go to such affairs, but in this case I was glad I had paid my dues, for here was a unique opportunity to quiz Myers. I began by thanking him for acknowledging in his book "the Geneva Conventions were a fundamental part of our military culture." Then I asked what he had done when he received Bush's Feb. 7, 2002 memorandum unilaterally creating exceptions to Geneva.

"Just read my book," Myers said. I told him I had, and cited a couple of sentences from my copy: "You write that you told a senior Pentagon official, Douglas Feith, 'I feel very strongly about this. And if Rumsfeld doesn't defend the Geneva Conventions, I'll contradict him in front of the President.' Did you?"

Myers claimed that he had fought the good fight before the President decided. But there was no tinge of regret. The sense the general left with us was this: if the President wanted to bend Geneva out of shape, what was a mere Chairman of the Joint Chiefs to do?

Pushing my luck, I noted that a Senate Armed Services Committee report, "Inquiry Into the Treatment of Detainees in U.S. Custody," had been issued just two weeks earlier (on April 23, 2009). It found that Myers had abruptly aborted an in-depth legal review of interrogation techniques that all four armed services had urgently requested and that he authorized in the fall of 2002. They were eager to get an authoritative ruling on the lawfulness of various interrogation techniques – some of which were already being used at Guantanamo.

Accordingly, Myers's legal counsel, Navy Captain Jane Dalton, had directed her staff to initiate a thorough legal and policy review of interrogation techniques. It had just gotten under way in November 2002 when Rumsfeld's general counsel, William James Haynes II, ordered Myers to stop the review.

Haynes "wanted to keep it much more close-hold," Dalton told the Senate committee, so she ordered her staff to stop the legal analysis. She testified that this was the only time in her career that she had been asked to stop working on a request that came to her for review.

I asked Gen. Myers why he halted the in-depth legal review. "I stopped the broad review," Myers replied, "but I asked Dalton to do her personal review and keep me advised." When Senate committee members asked him about stopping the review, Myers could not remember.

On Nov. 27, 2002, shortly after Haynes told Myers to stop Dalton's review despite persisting legal concerns in the military services – Haynes sent Rumsfeld a one-page memo recommending that he approve all but three of 18 techniques requested by the interrogators in Guantanamo.

Techniques like stress positions, nudity, exploitation of phobias (like fear of dogs), deprivation of light, and auditory stimuli were all recommended for approval. On Dec. 2, 2002, Rumsfeld signed Haynes's recommendation, adding a handwritten note referring to the use of stress positions: "I stand for 8-10 hours a day. Why is standing limited to 4 hours?"

A Different JCS Chairman

Other JCS chairmen have not been as compliant as Myers was. For instance, a decade after Myers acceded to Bush's rush to war in Iraq, JSC Chairman Martin Dempsey smelled a rat when Secretary of State John Kerry – along with neocons, liberal hawks and the mainstream media – rushed toward full-scale war on Syria by pinning the blame on President Bashar al-Assad for the fatal sarin gas attack outside Damascus on Aug. 21, 2013.

Comparisons can be invidious, but Dempsey is bright, principled, and no one's patsy. It did not take him long to realize that another "regime change" scheme was in play with plans to get the US directly involved in a shooting war with Syria. As more intelligence came in, the sarin attack increasingly looked like a false-flag attack carried out by radical jihadists to draw the US military in on their side.

This new war could have started by syllogism: (a) get President Barack Obama to draw a "red line" against the use of chemical weapons in Syria; (b) stage a chemical attack that would be quickly blamed on Assad for violating the red line; and (c) mousetrapping Obama into making good on his threat of "enormous consequences."

That Obama pulled back at the last minute was a shock to those who felt sure they had found a way to destroy the Syrian army and clear the way for Assad's violent removal — even if the result would have been a likely victory for Al Qaeda and/or the Islamic State. After all, neocon/liberal-hawk thinking has long favored "regime change" whatever the consequences, as the wars in Iraq and Libya have demonstrated.

But Gen. Dempsey became a fly in the regime-changers' ointment. In contrast to Myers, Dempsey apparently saw the need to go directly to the President to head off another unnecessary war. The evidence suggests that this is precisely what he did and that he probably bypassed Defense Secretary Chuck Hagel in the process since time was of the essence.

Dempsey had already told Congress that a major attack on Syria should require congressional authorization and he was aware that the "evidence" adduced to implicate the Syrian government was shaky at best. Besides, according to investigative reporter Seymour Hersh, British intelligence told the JCS that they had obtained a sample of the sarin used in the Aug. 21 attack and it did not match the sarin known to be in Syrian army stocks.

Actually, it is no secret that Dempsey helped change President Obama's mind between when Kerry spoke on the afternoon of Aug. 30, accusing Damascus of responsibility and all but promising an imminent US attack on Syria, and when Obama announced less than a day later that he would not attack but rather would seek authorization from Congress.

On the early afternoon of Aug. 31, Obama was unusually explicit in citing Dempsey as indicating why there was no need to rush into another war. Obama said, "the [JCS] Chairman has indicated to me that our capacity to execute this mission is not time-sensitive: it will be effective tomorrow, next week, or one month from now."

The failure to stampede Obama and the US military into a bombing campaign against Syria was a major defeat for those who wanted another shot at a Mideast "regime change," primarily the neocons and their "liberal interventionist" allies who still hold sway inside the State Department as well as Washington's top think tanks and the mainstream US news media – not to mention the Israelis, Saudis, Turks and others who insist that "Assad must go."

Not surprisingly, on Sept. 1, 2013, as the plans to bomb, bomb, bomb Syria were shoved into a drawer at the Pentagon, Senators John McCain and Lindsey Graham were in high dudgeon – particularly at Dempsey's audacity in putting the kibosh on their clearly expressed desire to attack Syria posthaste.