

Iraq in Crisis Amid Decade Old Memories of Al-Qaeda

By Robert Bejesky

Reflecting on the recent insurgency in Iraq, Brian Williams opened his segment on the NBC Nightly News on June 16, 2014 by stating that the events are a “direct outgrowth of the U.S. invasion there over a decade ago.” To some commentators, memories of Abu Musab al-Zarqawi are pertinent to connections between events transpiring during the U.S. military occupation and the current insurgency. For example, in a recent *Washington Post* article, Joby Warrick provides a biography of Abu Musab al-Zarqawi, emphasizes Zarqawi’s role in Iraq after the 2003 invasion of Iraq, and mentions that “the organization he founded is again on the march.”¹ On June 24, former Vice President Dick Cheney discussed the recent insurgency and stated in an interview that Iraq had been stable: “We had al-Qaeda basically out of Iraq in 2007-2008.”²

For three years after the invasion of Iraq, American news sources habitually attributed aggression against the occupation and society to Zarqawi and al-Qaeda and this was one of the angles that may have continued an occupation that ultimately charged American taxpayers \$2 to \$3 trillion dollars and led to the deaths of 4,500 American troops and 134,000 Iraqis.³ The conditions contained in the congressional Authorization for the Use of Military Force (adopted in October 2002) were not met because questions involved whether Iraq possessed chemical or biological weapons, a nuclear weapon program, or was in violation of other UN Security Council prohibitions. Iraq did not have prohibited programs and the UN Security Council did not authorize the war.⁴ In 2008, and after a five-year investigation, the Senate Select Committee on Intelligence Chair remarked that all of the Bush Administration’s inventive pre-war claims of Iraqi links to al-Qaeda led the nation to war under “false pretenses.”⁵

Zarqawi’s involvement was eventually placed into question. A *Washington Post* article reported: “The U.S. military is conducting a propaganda campaign to magnify the role of the leader of al-Qaeda in Iraq, according to internal military documents and officers familiar with the program. The effort has raised his profile in a way that some military intelligence officials believe may have overstated his importance and helped the Bush administration tie the war to the

¹ Joby Warrick, [Isis, With Gains in Iraq, Closes in on Founder Zarqawi’s Violent Vision](#), WASH. POST, June 14, 2014.

² *Id.*

³ Daniel Trotta, [Iraq War Costs U.S. More than \\$2 Trillion: Study](#), REUTERS (Mar. 14, 2013 12:53 PM).

⁴ Bruce Ackerman & Oona Hathaway, *Limited War and the Constitution: Iraq and the Crisis of Presidential Legality*, 109 MICH. L. REV. 447, 464 (2011) (punctuating that the AUMF-Iraq was a limited authorization to use force conditioned on there being an actual imminent threat, which means that when the Bush White House began offering additional rationalizations after the invasion, particularly of humanitarian intervention, “such talk was blatantly inconsistent with the plain language of the 2002 resolution.”); See Robert Bejesky, [Intelligence Information and Judicial Evidentiary Standards](#), 44 CREIGHTON L. REV. 811, 875-82 (2011).

⁵ Press Release, [Senate Intelligence Committee Unveils Final Phase II Reports on Prewar Iraq Intelligence. Two Bipartisan Reports Detail Administration Misstatements on Prewar Iraq Intelligence, and Inappropriate Intelligence Activities by Pentagon Policy Office](#) (June 5, 2008); see also Charles Lewis, [False Pretenses](#), THE CENTER FOR PUBLIC INTEGRITY (Jan. 23, 2008 12:00 AM).

organization responsible for the Sept. 11, 2001, attacks.”⁶ Indeed, the events were surreal; Baghdad was under military occupation and the U.S. government placed a \$25 million bounty on Zarqawi’s head in 2004 but the terrorist proved so elusive that he was capable of masterminding frequent bombing operations for three years.⁷ Despite the U.S. military’s acknowledgment of the propaganda operation two months earlier, the *Washington Post* wrote: “June 8—Abu al-Zarqawi, the mastermind behind hundreds of bombings, kidnappings and beheadings in Iraq, was killed early Wednesday by an airstrike.”⁸

The underlying cognitive muddle for American politics is that the 2003 invasion seems to have been partially *post facto* justified by the apparent presence of Zarqawi in Iraq but he would not have been able to perpetuate violence had there not been an invasion; a displacement of hundreds of thousands of Iraqi government and military personnel associated with the former regime pursuant to Coalition Provisional Authority Orders 1 and 2, which resulted in a *carte blanche* purge that violated Article 54 of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War;⁹ and a continuing U.S. military presence. Also, the depth of Zarqawi’s involvement in Iraq (relative to violence and insurgencies perpetrated by aggrieved native Iraqis) during the occupation seems unknown because the Pentagon acknowledged making press releases for the “‘U.S. Home Audience’ as one of the targets of a broader propaganda campaign” to make links to 9/11.

With respect to the recent emergence of Isis, Syria’s population is 80% Sunni and during the occupation of Iraq up to 1.2 million Iraqi refugees fled into Syria.¹⁰ Isis fought against the Syrian government.¹¹ Just a few months ago, the Obama Administration was considering the use of airstrikes against the Syrian military and funding anti-Assad groups and these possibilities had some international support because the civil war in Syria was assumed to be caused by a “popular uprising.”¹² Syrian President Assad used chemical weapons against insurgents and conflict ultimately resulted in over 160,000 deaths.¹³

⁶ Thomas E. Ricks, [Military Plays Up Role of Zarqawi](#), WASH. POST, Apr. 10, 2006.

⁷ Jeffrey Gettleman, [Zarqawi’s Journey: From Dropout to Prisoner to Insurgent Leader](#), N.Y. TIMES, July 13, 2004; Jim Clancy & Pam Benson, [Tape: Al-Zarqawi Claims Responsibility for Wave of Attacks](#), CNN, (Apr. 6, 2004 10:10 PM).

⁸ Ellen Knickmeyer & Jonathan Finer, [Insurgent Leader Al-Zarqawi Killed in Iraq](#), WASH. POST, June 8, 2006.

⁹ Geneva Convention Relative to the Protection of Civilian Persons in Time of War, art. 54, Aug. 12, 1949, 6 U.S.T. 3516, 75 U.N.T.S. 287 (“the Occupying Power may not alter the status of public officials or judges in the occupied territories, or in any way apply sanctions to or take any measures of coercion or discrimination against them.”); [Coalition Provisional Authority Order No. 1](#), De-Ba’athification of Iraqi Society, sec. 1, cl. 2, Doc. No. CPA/ORD/16 May 03/01 (May 16, 2003); [Coalition Provisional Authority Order No. 2](#), CPA/ORD/23 May 2003/02; [Purge of Saddam Loyalists](#), BBC (May 16, 2003 4:55 PM); [Newslines—October 6, 2003](#), Radio Free Europe Radio Liberty.

¹⁰ Faisal al-Miqdad, [Iraqi Refugees in Syria](#), FMR.

¹¹ Ian Black, [Assad and Maliki Unite Against Common Enemy Isis](#), THE GUARDIAN (June 26, 2014 1:28 PM).

¹² Tracy Connor, [Obama on the Fence about Syria Strike Without Congress’ Approval](#), NBC NEWS (Sept. 9, 2013 1:44 PM); Mousab Alhamadee & Jonathan S. Landay, [Syrian Airstrikes on Isis Mark New Strategy in Civil War](#), MCCLATCHY DC, (June 25, 2014).

¹³ Faith Karimi & Salma Abdelaziz, [Syria Civil War Deaths Top 160,000, Opposition Group Says](#), CNN (May 20, 2014 6:19 AM).

Complexities made Isis “freedom fighters” in Syria against Assad’s regime, but they stepped over the border and they became terrorists in Iraq. Another problem is how to perceive Isis’s support from so many potential fighters and from a percentage of the Sunni population in Iraq.¹⁴ President Obama has recently stated that there will be no military assistance to Iraqi Prime Minister Maliki’s government unless Maliki guarantees to make political concessions because his governance, with Shia majority rule, has inflamed hostilities with Kurds and Sunnis.¹⁵ Maliki has perfunctorily maintained that he has addressed security issues over the past eight years in a battle with “al-Qaeda” even though some contend that there have been Sunnis who have retaliated out of vengeance for atrocities committed by Maliki’s security forces or have unfortunately responded to perceived discrimination with violence.¹⁶

Some news sources omit the “al-Qaeda” label and use terms such as “Isis rebels,” “rebels,” and “Sunni insurgents.” Rather than assuming there are “links” to al-Qaeda, perhaps insurgencies can arise due to regional geopolitics, Baath party purging laws that displaced hundreds of thousands of individuals working for Hussein’s regime, anger over the 134,000 Iraqis that were killed during the occupation and past suppression perpetrated by Maliki’s security forces, the fact that up to 1.2 million Iraqi refugees fled into Syria during the occupation of Iraq, the existence of general conditions of ethnic instability that might be likely to erupt in Syria and Iraq, and Maliki’s support for foreign oil companies operating in Iraq.¹⁷

It is abundantly true that when circumstances place U.S. interests, the present Iraqi government, Iran, and Syria, all on the same side, it does become arduous to explain. Here are questions that might be asked. Does invading a country or the mode of occupation effectively “create” al-Qaeda in a state where it did not previously exist? Or, is it merely that violence, loss of power, and perceptions of discrimination, make individuals more prone to react by joining insurgent causes? How much does the framing of Isis with linkages to the symbolism of Zarqawi and with the inveterate reference to al-Qaeda cognitively influence American politics by heuristics, schemas, and mental anchors? With respect to the sectarian violence in Iraq and Syria, was the invasion of Iraq in 2003 worth it to American taxpayers, US troops, and Iraqis?

¹⁴ Bashdar Pusho Ismaeel, [How the Seeds of Sunni Insurgency Were Sown Long Before ISIS Came to Town](#), THE KURDISH GLOBE (July 7, 2014 2:14 PM).

¹⁵ Karen DeYoung, [U.S. Won't Intervene in Iraq in Absence of Political Reform by Iraqis, Obama Says](#), WASH. POST, June 14, 2014; Ismaeel, *supra*, note 14.

¹⁶ Zaid Al-Ali, [How Maliki Ruined Iraq](#), FOREIGN AFFAIRS (June 19, 2014) (noting that Maliki has been corrupt, deemed himself the “preeminent military leader,” and peaceful protests were met by security services calling them terrorists, having hired thugs beat them and killed, and thousands were arrested and tortured until protests ended. Remarking about Maliki’s special forces, Zaid Al Ali writes: “Groups of young men were arrested in waves, often in the middle of the night, and would be whisked to secret jails, often never to be seen again”).

¹⁷ Antonia Juhasz, [Why the War in Iraq was Fought for Big Oil](#), CNN (Apr. 15, 2013 7:42 AM) (noting that with respect to the shift from Iraq’s nationalized oil industries to a privatized industry that is now dominated by Western oil companies, CNN remarked: “Yes, the Iraq War was a war for oil, and it was a war with winners: Big Oil”).