

# Rumsfeld Assassination Policy Violates U.S. Military, Legal Tradition

by Edward Spannaus

At the end of World War II, when the Allies were facing the question of how to deal with Nazi leaders, whose crimes were on a scale far beyond anything attributed to Saddam Hussein or other Iraqi leaders, the majority of the Allies came down foursquare against carrying out summary executions of war criminals after the war, and rather supported the creation of an international tribunal to try top Nazis. This was the consistent position of Franklin D. Roosevelt for the United States, as well as of France's Charles de Gaulle, and the Soviet Union's Josef Stalin.

The British, as represented by Winston Churchill and the Foreign Office, opposed trials and instead demanded summary executions. Some have suggested that the British were afraid to put leading Nazis on trial, for fear that evidence of British complicity in the establishment of the Nazi regime would come out. Stalin apparently hinted at this; after an October 1942 meeting in Moscow, Churchill informed Roosevelt that "Uncle Joe" had expressed the view that, "There must be no executions without trial, otherwise the world would say that we were afraid to try them."

A proposal for summary executions was included in the U.S. Treasury Department's scheme, known as the Morgenthau Plan, which is best known for its demand to return Germany to a medieval agricultural economy, with its industrial sector dismantled. That was, of course, rejected, in favor of the wiser approach, of winning the peace by rebuilding Germany through the Marshall Plan. The U.S. War Department (predecessor of today's Defense Department) was among the strongest opponents of the criminal Morgenthau Plan.

After Roosevelt's death, the final decision was to be made by the new President, Harry Truman. Truman had appointed U.S. Supreme Court Justice Robert H. Jackson as the U.S. representative and counsel for war crimes. Jackson told Truman that "undiscriminating executions or punishments without definite findings of guilt, fairly arrived at, would violate pledges repeatedly given, and would not set easily on the American conscience or be remembered by our children with pride."

Jackson argued that victory in war, did not give the victors the right to simply execute their enemies. Guilt must be proven in a fair trial, Jackson argued, observing that, "The President of the United States has no power to convict anyone.

He can only accuse."

In his profoundly memorable opening statement to the Nuremberg Tribunal, Jackson stated: "That four great nations, flushed with victory and stung with injury, stay the hand of vengeance and voluntarily submit their captive enemies to the judgment of law, is one of the most significant tributes that Power has ever paid to Reason."

As a party to the Charter of the Nuremberg Tribunal, the United States is still solemnly bound by its principles to this day.

With that backdrop, we review the contrary policies which the United States, under the direction of Defense Secretary Donald Rumsfeld and Vice President Dick Cheney, are carrying out in Iraq today.

## 'Hunter-Killer' Teams

In our Jan. 17 issue, *EIR* reported that Rumsfeld was attempting to take parts of the U.S. Special Operations Forces (SOF) and turn them into "hunter-killer" teams modelled on the Vietnam-era "Phoenix" assassination program. Various sources had reported intense opposition, within the uniformed military, to Rumsfeld's scheme; the Joint Chiefs of Staff did not want to see their special forces turned into assassination squads.

At the center of Rumsfeld's plans was the reactivation of the Army's Iran/Contra-era Intelligence Support Activity (ISA), now operating under the name of "Grey Fox." According to a number of recent reports, Grey Fox has been spearheading the search for Saddam Hussein and his family, under the broader umbrella of "Joint Special Operations Task Force 20," which also includes Navy Seals, the Army's Delta Force, and 106th Special Operations Aviation Regiment.

The first public implementation of the Rumsfeld policy was the killing of six men—one allegedly an al-Qaeda leader—in Yemen last November, when a U.S. rocket destroyed their automobile travelling in the desert.

Now, with the unnecessary killing—rather than capturing—of Saddam Hussein's two sons in Mosul, and the recent series of killings of Iraqi civilians, the indications are that Rumsfeld is well along the way in his effort to create Waffen SS-type killer squads in the U.S. military, in violation of traditional American military policy.

From all accounts of the Mosul raid, there was never any intention of capturing Saddam's sons alive—although this obviously would have constituted an intelligence bonanza for the United States.

But, as some commentators have pointed out, that may have been exactly why Rumsfeld and Co. didn't want them alive and talking. It seems that other top Iraqi officials and scientists, who surrendered or were taken alive, are not telling their interrogators what Rumsfeld and Cheney want to hear. Not to mention, that some Iraqi officials may still remember Rumsfeld's visits to Baghdad in 1983-84, when he embraced Saddam Hussein, and set up the channels through which the

United States armed Iraq during the 1980-88 Iran-Iraq War—including providing precursors for chemical and biological weapons.

It has been observed, that any police SWAT team in any major U.S. city probably could have captured Uday and Qusay Hussein alive. But, according to a high-level military intelligence source, the current rules of engagement, as set by the Pentagon, do not call for taking such “high-value” targets alive, and any change in policy would have to come from Rumsfeld directly.

In reviewing the reports of the Mosul action, Democratic Presidential pre-candidate Lyndon LaRouche stressed that this is not an action that would have been carried out by the professional military, but that they were dragged into this, by Rumsfeld and Cheney. LaRouche noted the insanity of carrying out an assassination policy, while the U.S. military is an occupying power already subject to a rising level of guerrilla attacks; LaRouche also noted the complications that such an insane policy creates, in terms of fashioning an “exit strategy” for the U.S. military.

Such Israeli-style “targetted assassinations” are also in direct violation of the official U.S. ban on executions of foreign leaders, which has been in effect since 1976. The Executive Order signed by President Gerald Ford, and reinforced by later Presidents, makes no distinction between peacetime and wartime; there is no loophole for the war on terrorism, as the Bush Administration suggests.

### Pattern of Incidents

U.S. forces in Iraq have been engaged in an increasing number of killings of civilians, as the campaign against resistance fighters, and the hunt for Saddam, have intensified.

The *Washington Post* recently reported that more than 300 Iraqi “fighters” have been killed in hundreds of raids over the past six weeks, while more than 1,000 “suspected fighters” have been detained. (Those captured are “suspected fighters,” while those killed are simply “fighters.”)

The July 27 raid on a mansion in Baghdad’s wealthy Mousour district, carried out by elements of Task Force 20, resulted in the deaths of five civilians, shot in their cars near roadblocks. According to eyewitness accounts, some of those leading the raid were wearing civilian clothes. Otherwise, it is reported, Task Force 20 operatives try to blend in with supporting forces—which means that regular U.S. Army soldiers often get blamed for Task Force 20’s brutality and killings, and then become further targets for retaliatory guerrilla attacks.

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# Cheney Chicanery

by Ray McGovern

*Ray McGovern, a co-founder of Veteran Intelligence Professionals for Sanity (VIPS), chaired National Intelligence Estimates (NIEs) and prepared/briefed the President’s Daily Brief during his 27-year career at the Central Intelligence Agency. On July 14, VIPS sent a “Memorandum for the President” to President Bush, urging him to ask for Vice President Cheney’s immediate resignation (see EIR, July 25).*

*Asked by the press why VIPS is calling for Cheney’s resignation, he answered, “The evidence on Cheney is just simply more comprehensive than the evidence on all the rest of the folks. . . . All the evidence points to him as the prime mover behind this magnificent deception.” On Cheney being forced to resign, McGovern cited the case of Richard Nixon’s Vice President Spiro Agnew. Although Agnew was only guilty of petty graft—in contrast to Cheney’s offenses of using lies to take the nation into war—as Nixon himself came under increasing pressure, Agnew was jettisoned. “It is conceivable to me that Vice President Cheney could be jettisoned” in the same way.*

*This statement from VIPS, issued on July 27, reviewed Cheney’s July 24 speech at the American Enterprise Institute (AEI) in Washington.*

When Vice President Dick Cheney comes out of seclusion to brand critics “irresponsible,” you know the Administration is in trouble.

Cheney was enlisted to do so in the Spring of 2002, amid reports that warning given to President Bush before 9/11 should have prompted preventive action. Cheney branded such commentary “irresponsible,” and critics in the press and elsewhere were duly intimidated. It will be interesting to see what happens this time.

Sifting through the congressional report on 9/11, I was reminded of the President’s Daily Brief item of August 6, 2001, titled “Bin Laden Determined to Strike in US.” Dana Priest of the *Washington Post* has learned that this PDB article stated that “bin Laden had wanted to conduct attacks in the United States for years and that [his] group apparently maintained a support base here.”

According to Priest, the PDB went on to cite “FBI judgments about patterns of activity consistent with preparations for hijackings or other types of attacks.” The President has cited executive privilege in refusing to declassify the PDB item.