

**The De-Baathification of Iraq**  
The development and implementation of an ostensibly necessary vetting  
policy that turned into a tool of sectarianism

by

Ryan Pavel

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Professor Victor Lieberman



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## **Chapter 1**

### **Introduction**

On May 16<sup>th</sup>, 2003, Paul Bremer of the Coalition Provisional Authority, the US organization responsible for transitional governance in post-invasion Iraq, issued an order that called for the de-Baathification of Iraq.<sup>1</sup> The Baath party had been the ruling regime in Iraq since 1968 and had been dominated by Saddam Hussein since the late 1970s. On the simplest level, de-Baathification meant that anyone who had become a member of Saddam's oppressive political party, regardless of intent in joining or actions after joining, was henceforth banned from participating in Iraqi politics or public office. If one believed that Saddam should be removed from office, it stood to reason that his associates also should be removed from power. Following this train of logic, de-Baathification was the obvious and correct course of action.

Yet underneath this veneer of simplicity laid a complex set of problems that are still affecting the political atmosphere of Iraq nine years after Bremer initiated the policy. Chief among these problems was the issue of what criteria justified dismissal. As it turned out, the policy removed from their positions many former officials, administrators, and educators who could hardly be considered close associates of Saddam. Many of those removed by de-Baathification were not ardent supporters, let alone co-conspirators, with the Baath regime, and were instead Baathists in title only, as Saddam had made it nearly impossible to advance in society without becoming a member of his political party (Stover et al. 19). Yet how was the Coalition Provisional Authority (CPA), run by a US

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<sup>1</sup> Unless quoted otherwise, I spell "Baath" without the apostrophe to represent the Arabic 'ayn, as in "Ba'ath." Similarly, "Shi'a" and "Shi'ite" are spelled "Shia" and "Shiite."

official with no experience in Iraqi affairs, to know who was and who was not an actual supporter of Saddam? The CPA relied heavily on the expertise of exiled Iraqi Shiites, most of whom had been forced out of Iraq by Saddam's oppressive regime (Stover et al. 11), eventually allowing these exiles near complete control of the policy. As might have been anticipated, it did not take long for de-Baathification to become a tool of political retribution, growing more sectarian as the years progressed.

This thesis not only examines the decision to implement de-Baathification but also the enduring effects of how that decision was implemented. I have used a holistic approach, whereby I present a general and comprehensive account of de-Baathification rather than merely analyzing disjointed elements of the overall process. In spite of a growing body of literature and articles on specific elements of de-Baathification, I have found no unified account embodying this approach. I believe that many misconceptions about de-Baathification stem from analyses that do not factor in the wider picture of de-Baathification and instead focus in on a variety of single, easy to misinterpret subthemes. By taking the entire process into account, I have been able to test the validity of a number of claims, benefiting from hindsight that clarifies elements of de-Baathification that would have been hard to discern while the policy was still unfolding.

The basic question as to whether or not de-Baathification was the correct course of action has already been debated extensively. By most accounts that I am aware of, it is generally accepted that the policy in the form in which it was ultimately executed was a grand error on par or perhaps only slightly below the CPA's decision to disband the Iraqi

Army.<sup>2</sup> Indeed, nearly all accounts that appear to argue otherwise are those from the policy makers responsible for crafting and pursuing the policy themselves, though even some of them have expressed regret over the way in which de-Baathification was ultimately implemented. While the sides of this specific debate do play a role in this thesis, they should not be considered the main intent of my argument.

Rather than focus entirely on whether it was the correct course of action, this thesis also addresses whether or not de-Baathification was, in some form, a necessary course of action. I argue that although de-Baathification may have been inherently flawed, a sensible version of that policy, particularly one that focused on Saddamists rather than all Baathists, had potential to help stabilize Iraq by preventing members of the old regime from retaking power after Saddam was removed from office. Indeed, a sensible version was necessary to implement in post-Saddam Iraq, considering the sectarian wedge that Saddam helped drive into the heart of Iraqi culture over the course of his tyrannical reign. The most damaging ramifications of de-Baathification resulted from the manner in which it was implemented rather than from the policy itself. Political interest and a poor American understanding of Iraqi society, whereby the terms Saddamist and Baathist became interchangeable, characterized this implementation.

I will also address the authorship of the actual de-Baathification policy and consider furthermore how de-Baathification became a central tenant of US policy in post-Saddam Iraq. There is an elaborate history behind the policy that had important

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<sup>2</sup> This decision to disband the Iraqi Army is closely related to de-Baathification and can be seen as one of its many applications. Analyzing the effects of this specific decision, however, could merit a thesis of its own. I have opted to focus on the political effects of de-Baathification, analyzing security-related elements only as they relate to political developments, thereby reducing the focus on this disbandment.

consequences. De-Baathification as implemented was the brainchild of Ahmad Chalabi, an Iraqi exile with an enduring grudge against Saddam Hussein and his Baath party. Through meticulous networking and clever positioning, Chalabi captured a Western audience that adopted his views on de-Baathification as its own. After passing hands a number of times in the US government, the policy was handed to Paul Bremer, who enacted the policy as his first order of business as Ambassador to Iraq.

From this initial inquiry flow a number of secondary questions, many of which are accompanied by common misconceptions. How much decision making power did Bremer have in enacting the policy? How did Chalabi gain control of de-Baathification from Bremer once it was instituted? At what point did the policy become sectarian? What was the effect of de-Baathification on Iraqi society? Did it have popular support? What role did Shiite political parties play in the process? What are the lasting effects of de-Baathification and how are they being dealt with in today's Iraq? These questions will be answered throughout the thesis as they arise.

I begin with a historical overview of Iraq and de-Baathification, including the key players and how they influenced all stages of the policy. De-Baathification cannot be grasped without a fundamental understanding of the Sunni-Shia relationship, which played a large role in the construction of Iraqi identity after the 1958 revolution. I have tried, however, to avoid the trap of fitting all of modern Iraqi history into a neat box of sectarian tensions, which would allow one to ignore factors beyond the sectarian divide. Modern Iraq is certainly the product of more than this divide, particularly in the early decades of its independence, and therefore I have tried not to exaggerate the importance of this divide where it is not merited. Still, my research points to heightened sectarian

conflict as having been the worst consequence of de-Baathification, and consequently I focus more on the sectarian divide than other elements of Iraq's history. To that end, I provide a brief history of this divide, both generally and as it pertains to Iraq, before discussing the effects of de-Baathification. This discussion encompasses key events in 20<sup>th</sup> and 21<sup>st</sup> century Iraqi history, from the legacy of the Ottoman Empire and the effects of British Colonialism to the shaping of Sunni dominance in independent Iraq.

In my attempt to present de-Baathification in its entirety, I have divided the process into three stages. First was the planning stage of 1991-2002, whereby the decision to implement de-Baathification was conceived, drafted, and promoted. Here, I introduce Ahmad Chalabi, the founder of the Iraqi National Council and the architect of de-Baathification. I trace Chalabi's method of gaining influence over Iraqi exile groups, Western journalists, and, most importantly, US officials and politicians.<sup>3</sup> I also discuss the role of Paul Bremer, the U.S. diplomat who formally implemented the policy. Thereafter followed the stage of initial policy implementation and rapid updates to the policy in 2003, which included both the immediate restructuring of the political landscape and the subsequent controversial extension of the policy. Events in this period allowed de-Baathification to become more sectarian in the latter portion of the final stage, spanning 2004 to 2011. The most important events during this period were the transfer of sovereignty from US forces to the Iraqis and a 2008 law intended to curb the policy's

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<sup>3</sup> Ahmad Chalabi, in one form or another, played a significant role in encouraging the US to invade Iraq. In addition to the role he played in de-Baathification, he is also responsible for providing faulty intelligence about Saddam's alleged weapons of mass destruction. Though his role in providing this intelligence may be telling of his character, this thesis only analyzes Chalabi's influence on de-Baathification. I do not seek to prevent an intensive, complete summary of Chalabi's actions in Iraq, just as I do not seek to focus on the actions of Paul Bremer. They should both be seen as key players in the larger de-Baathification process, which is to remain the focus of the thesis.

breadth that hardcore proponents of de-Baathification manipulated into the most powerful version of the policy yet. This final stage traces the transfer of authority over the de-Baathification policy from the secular-minded Chalabi to the more religious-oriented Muqtada al-Sadr and Nuri al-Maliki, who helped turn the policy more sectarian.

It is my hope that this approach to analyzing de-Baathification has successfully fused the benefits of hindsight with extensive analysis that offers clarification not previously available. The overall conclusion, I fear, is as unsurprising as it is brutal. In spite of de-Baathification's potential to help Iraq achieve true democratic governance, it became an increasingly sectarian policy that served only to further tear Iraq apart.

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## **Chapter 2**

### **Sunni/Shia Divide and Its Relation to De-Baathification**

This section examines two fundamental issues: what makes Shiite Muslims unique in Islam and why this matters in relation to Iraq before and during Baathist control. Religion played a large role in the construction of Iraqi social identities in the second half of the twentieth century, where certain political parties used distant historical sectarian tensions to justify contemporary antipathies. This increase in sectarianism influenced the way both religious and secular groups reacted to the fall of Saddam Hussein in 2003. Although Saddam's Baath party was technically secular and non-sectarian, the vast majority of prominent Iraqi Baathists were Sunni Muslims. Because de-Baathification was implemented on such a far-reaching scale, a massive number of Sunni politicians were instantaneously removed from public employment, with some even arguing that de-Baathification was in fact de-Sunnification (Nasr 198). Varying groups of Shiites, who had been politically marginalized in Iraq for some time, seized this opportunity for national power. In order to understand this dynamic of Shiite revivalism, one must consider the background of the Sunni-Shia divide.

#### *I. Historical Foundations of the Divide*

The roots of Shiism lie in early Islamic history. Soon after the death of Muhammad, those who believed the successive leaders had to be from Muhammad's family (Shia/Shiites) split from those who believed the successors had to be chosen by the community (Sunnis). This disagreement culminated in a 680AD battle in Karbala, where Husayn, the Shiite leader, allowed himself to be martyred after launching an attack he knew would lead to certain death (Nasr 40-41). The anniversary of Husayn's

martyrdom is commemorated with the Shiite ceremony of ‘Ashura, which takes place on the tenth day of the Islamic month Muharram. On this day, Shiites gather in large numbers and recreate the scene of Husayn’s slaughter, beating their chests to represent the mortal wounds Husayn received.<sup>4</sup> Husayn’s martyrdom enshrined Karbala, now a city in modern Iraq, as one of the holiest Shiite cities. It is difficult to overstate the importance of this city to the Shiite community. As Vali Nasr, a prominent Middle East expert puts it, “Karbala defines Shiism’s ideals: dedication to the imams as an article of faith and commitment to pursuing justice in the face of tyranny” (49).

It is this second element of Nasr’s statement that rings particularly true in the Iraqi case. Whereas Shiites comprise 10-15% of the world’s 1.3 billion Muslims (Nasr 34), Iraq has historically had a far higher proportion of Shiite Muslims. A 1919 British census reported that 53% of the population was Shiite while a 1947 census reported 51.4% as Shiite Arabs with Sunni Arabs making up just 19.7% of the total population (Cockburn 26). In 2003, Shiites were estimated to comprise 60%, Arab Sunnis 15-20% and Kurds 17% (Marr, “Day After” 28).<sup>5</sup> Although they make up the largest portion of the Iraqi population, Shiites were generally concentrated in the lower socioeconomic segments of Iraqi society.

In the tenth century, Shiites living near Baghdad were being oppressed in a concerted effort to snuff out their appeal to the wider Muslim community. Tenth century Sunni jurists of the Abbasid Empire who possessed great influence over affairs in

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<sup>4</sup> In certain cases, zealous Shiites take this further and engage in self-flagellation with whips and chains and cuts to the scalp. These extreme practices are not undertaken by most Shiites and are forbidden by a number of Shiite religious authorities (Nasr 48).

<sup>5</sup> Here, we rely on informed estimates because no complete, formal census has been conducted in decades.

Baghdad feared the spread of Shiism and consequently led numerous attacks on Baghdadi Shiites. The Shiites were held under suspicion by their Sunni leaders and were blamed for external attacks that they had nothing to do with, such as that of the Byzantine Empire. Shiite mosques and houses were set aflame, their celebrations were attacked, and many Shiites were killed. By the eleventh century, leading jurists hardly considered Shiites to be Muslims at all (Nasr 53-54).

In spite of these attempts to reduce Shiite influence, their communities continued to grow. Much of this growth can be attributed to the Safavid Dynasty, which ruled Iran and various surrounding territories from 1501 until 1722. The Safavids were intensely Shiite and actively spread Shiism as a method of countering their numerous Sunni rivals, most notably the Ottoman Turks to the west (Nasr 65). Forced conversion to Shiism in Iran in the 16<sup>th</sup> century led to the rise of powerful Shiite clergy, some of whom lived in northern Iraq and worked to convert southern tribes to Shiism throughout the 18<sup>th</sup> and 19<sup>th</sup> centuries (Cockburn 25-26). At the same time, the Sunni Ottoman Empire, which ruled for centuries over what has become modern Iraq, continued to work against Shiites. The Ottomans tolerated Shiite Muslims for a while until Ottoman wars against the Safavids led to widespread mistrust of the Shiites (Marr, *Modern History* 5-6).

After the dissolution of the Ottoman Empire after World War I, elite Iraqi Sunnis dominated the political sphere by entering into military academies and attaining high-level positions in the government. As Phebe Marr, a historian of Iraq, points out, “The intrusion of these Iraqis into the administration at all levels marked a first step in establishing Arab *sunni* dominance in government” of post-Ottoman Iraq (*Modern History* 25). This movement towards reinforced political dominance was accompanied in

the economic sector by the development of a new Sunni landed class. It is important to note, however, that these Sunnis were mostly Arab nationalists who were more concerned with achieving Iraqi independence than flexing their power over their Shiite counterparts, though they did seem reluctant to let these Shiites gain majority rule. When Iraqis began revolting against British control, the Shiites were crushed on multiple instances while the Sunni elite, who along with the British feared Shiite theocratic rule, continued to advance in government (Marr, *Modern History* 31-32). Even the nationalist underpinnings of modern Iraq demonstrated a level of sectarian competition.

## *II. The Divide Within the Context of an Independent Iraq*

When Iraq received its independence in October 1932, Sunni dominance continued, though nationalism remained more salient than sectarian differences. This mostly kept sectarian differences from defining political outcomes. It was not until the coup-turned-popular revolution of 1958 when Iraqis threw out the British-controlled monarchy that the prospects for Shiites began to change. The Iraqi Communist Party, a critical supporter of the coup, was predominately Shiite. Even though Abdel Karim Qasim, who led the coup and became Prime Minister in 1958, was a Sunni, he helped advance the socioeconomic status of Shiites during his reign, perhaps because his own mother was a Shiite. By this time, the Shiites had become entrenched in some of the poorest neighborhoods in Baghdad. Shiite support for the coup brought a level of

assistance to these poor neighborhoods, which were built up with basic housing (Cockburn 32-33).<sup>6</sup>

The year 1958 also saw the formation of the Dawa (Islamic Call) party, a Shiite party intent on “reshaping Islam and its teachings to meet the needs of the modern world and in organizing to protect and spread these ideas” (Marr, *Modern History* 104). The party’s ideology was guided by Ayatollah Muhammad Baqir al-Sadr, who would become emblematic of resistance to Saddam and the Baath party in the late 1970s and early 1980s, the time period where Dawa would emerge as a serious opposition party. When it was first formed, Dawa shared an organizational structure with that of the Iraqi Communist Party. In those first years, Dawa members generally believed in cooperating with Sunnis in Iraqi politics (Marr, *Modern History* 104).

Yet it was not long before tensions arose between the Shiite Dawa and the Baath party, which staged a military coup in 1963. The messy coup was only a partial success, and Iraqi politics were temporarily left in the hands of the army officer corps, which was almost entirely Sunni. When the Baath party decided to stage another coup in 1968, they installed Hassan al-Bakr, a cousin of Saddam Hussein, and sought to capture complete control of Iraqi politics, attempting to box out parties such as Dawa (Cockburn 33-34). A 1969 Baathist order to deport “Iranian nationalists” forced tens of thousands of Iraqi Shiites out of the country and angered members of the Dawa party. The Baath party saw this as a method of “purifying” the Iraqi Shiites by eliminating potential Iranian influence. The Baath party also placed restrictions on Shiite holy ritual processions,

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<sup>6</sup> Years later in post-Saddam Iraq, these neighborhoods would eventually become known as Sadr City, renowned for its thuggish insurgency that resulted in part from de-Baathification.

which was not well received by the Shiites (Marr, *Modern History* 172, Nasr 110). In the early 1970s, Dawa party members were repeatedly arrested, Baqir al-Sadr among them, and some were even executed (Cockburn 36).

The late 1970s saw the first serious and direct confrontations between the Shiites and the Baath party. Responding to persecution within Iraq, the Dawa party had successfully expanded outside of Iraq to Tehran, Damascus, London, and, to some extent, Lebanon. This growth galvanized the Shiite anti-Baath spirit, which inspired a series of protests in 1977 after the Baath party attempted to stop an annual religious procession. The Baath party used heavy weaponry against the Shiites, completely crushing the protests and apprehending thousands for interrogation. It is interesting to note that once the dust from the protests had settled, the Baathists attempted to co-opt Shiite support by bringing some into government positions. Indeed, they appointed so many Shiites that nearly a quarter of high-level leadership positions in the Baath party were filled by Shiites by 1977 (Marr, *Modern History* 173). But, of course, the highest positions were still filled by Sunnis. Saddam Hussein gained effective control over the Baath party in the late 1970s in place of its formal leader, Hassan al-Bakr. By placing himself at the head of the party that could now claim to represent some Shiite interests while actively crushing those same interests when they conflicted with his own ideology, Saddam simultaneously demonstrated to the Shiites that “they could expect to enjoy his favour, but also to feel his wrath should they strike out on an independent course” (Tripp 209).

It did not take long for Sunni dominance to assert itself in even more comprehensive fashion. After Saddam formally came to power in a coup against his cousin in 1979, he systematically purged the Shiites from the Baath party (Nasr 93).

Saddam turned the party increasingly Sunni, relying heavily on individuals from extended kinship networks, who would be less likely to question his methods. This was one of the tactics he used to maintain absolute control of the party. For Saddam and his predecessor, the “Ba‘ath Party was an extension of their personal power through a patronage system which they alone would control” (Tripp 191). Saddam also used the historical Sunni/Shia divide to political advantage, stoking ancient animosity in hopes of galvanizing the support of the Iraqi Sunni minority against the Shiites. He did this by reminding Iraqi Sunnis of al-shu‘ubiyun, the Persian Shiites who comprised the bureaucratic core of the Abbasid Empire and were responsible for the empire’s downfall. Saddam sought to portray contemporary Shiites as untrustworthy by pulling from this ancient example (Davis 4, 184).

Even in the 1980s, however, Sunni dominance should not be overstated. To say that Sunnis controlled the political sphere and that the Shiites were viciously oppressed on many separate instances is not to say that Shiites were completely powerless and submissive to Sunni rule. Part of the reason Shiite uprisings were crushed with such unmediated ferocity was that Sunni Baath leaders acknowledged that the Shiites posed a legitimate threat to Baath rule. As one author pointed out:

It is true that there was no apartheid between Sunni and Shia. They occasionally intermarried. Some Shia rose high in the Baath party and the government. And religion was not the only means through which Shia Iraqis established their identity. But in the exercise of power, Iraq was a Sunni-dominated state and became more so during Saddam Hussein’s long rule (Cockburn 32).

In 1979, the Iraqi Shiites demonstrated just how influential a force they could be. Inspired by Ayatollah Khomeini’s Islamic Revolution in Iran (a distinctly Shiite

movement) earlier that year, Iraqi Shiite parties contemplated responding to a call from Khomeini to rise up and overthrow Saddam. The Islamic Revolution and its growing potential appeal confounded Saddam's policies concerning the Shiites. As was previously stated, the Baath party cycled through attempts to co-opt Shiite support by incorporating Shiites into Baathist positions followed by purges of Shiites from those very same positions. During one of these purges, Saddam forced Ayatollah Khomeini out of Iraq at the request of the Iranian Shah. Both the Shah and Saddam were concerned that Khomeini was radicalizing Iraqi Shiites. Yet neither realized that forcing him out of Iraq would provide him with an international platform that would catalyze his overthrow of the long-standing Iranian regime. This overthrow bolstered the revolutionary resolve of Shiites in neighboring Iraq. Years later, Saddam reflected "that the single biggest mistake of his career had been to let the ayatollah leave Iraq alive" (Nasr 140).

As Shiites gathered in increasing numbers to protest Saddam's rule, his crackdowns became even more brutal. Some five thousand members of Dawa were arrested and two hundred executed. In 1980, the Baath party made membership in the Dawa party punishable by death (Cockburn 40-41). After a decade-long game of arrest and release, Muhammad Baqir al-Sadr, a key ideological leader of the Dawa party, was arrested and brutally executed along with his sister in 1980.<sup>7</sup> The execution of its ideological leader forced the Dawa party into hiding, where it would mostly remain until the end of the first Gulf War.

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<sup>7</sup> This execution caused Baqir al-Sadr to eventually become known by Iraqi Shiites as "Sadr I," which identifies him as the first of the Sadr's to be murdered by Saddam. In 1999, Sadiq al-Sadr, his first cousin, would also be murdered by Saddam and would become known as "Sadr II". As we shall see, this reputation of Sadr martyrdom plays into the role of Muqatada al-Sadr in post-Saddam Iraq.

In what retrospectively was a disastrously ill-conceived strategy, Saddam invaded Iran in 1980. At the start of the Iran-Iraq war in 1980, it is estimated that Shiites made up only 20% of Iraqi officer corps but 80% of the rank and file (Cockburn 46). This statistic is a testament to how wide the social divide between the Sunni and the Shiites had grown. Shiites were encouraged to participate in state-sponsored positions, such as the military, but only in a capacity that could be controlled by higher-ranking Sunnis.

During the Iran-Iraq war, Iraqi Shiite resolve was put to the test as many were forced to make a decision between killing Iranian Shiites on behalf of a Sunni-ruled Iraq or supporting their religious kin by refusing to fight for Saddam. In some instances, entire battalions of Shiite soldiers surrendered willingly to Iranian forces before either side fired a shot, yet this level of surrender was not commonplace. On the other hand, some Shiites fought because they knew that if word got back to the Iraqi command of their refusal to fight, the Baathists would harm the families of the traitors. In the end, “Iraqi *shi’a* fought about as well – or as indifferently – as Iraqi *sunnis*” (Marr, *Modern History* 197).

During the war, Saddam, in predictable form, attempted to appease Iraqi Shiites by giving them political positions. By June 1982, a majority of Iraq’s Regional Command, the ruling body of the Baath party, was Shiite (Marr, *Modern History* 197). While bolstering Shiite support, the Baath party increased deportations of those whom they saw as Iranian sympathizers, exiling another two hundred thousand. Saddam’s apparent intention was to force Shiites who could not be co-opted out of the country altogether. These deportations effectively shifted the bulk of Iraqi Shiite opposition leadership to Iran. This was a large factor in the formation of the Supreme Council for Islamic Revolution in Iraq (SCIRI), which was formed by Muhammad Baqir al-Hakim in

1982 under the auspices of Iranian authorities (Cockburn 52). SCIRI comprised elements of the relatively inactive Dawa party and other Shiite opposition groups and was committed to the establishment of an Islamic state in Iraq, an idea foreign to many Iraqis, particularly those who had not been part of the Dawa party. SCIRI's immense dependence on Iranian patronage kept it from achieving a large base of support in Iraq (Marr, *Modern History* 198). As some have put it, "SCIRI never quite shook the reputation...of being stooges for Iran" (Cockburn 53). The fact that it was developed and run by Iraqis in exile made it a party continuously out of touch with the actual situation in Iraq, a theme represented once again by Ahmad Chalabi's Iraqi National Congress in the 1990s.

The next major Shiite uprising would not take place until after the 1991 Gulf War. This event was, perhaps, the most important uprising in Iraq's tumultuous modern history until Saddam's removal from power in 2003. After Iraq was defeated in its gambit to gain control of Kuwait, the Baathist regime appeared weak. Angry soldiers, both Sunni and Shiite, deserted the army and took to the streets to join the throngs of protestors, all of them dissatisfied with Saddam's rule. They were fueled by the idea that Saddam's regime could be overthrown in its weakened state and that the United States, which had made cryptic promises of support, would back the revolution and neutralize Saddam's army (Cockburn 64). The uprising, which started in the Shiite dominated southern cities of Basra and Nassariya, spread north towards Najaf, a key Shiite holy city. The Kurds, who along with the Shiites comprise 80% of Iraq's population, joined in the protests and strengthened the movement.

Yet in the end, the uprising failed to overthrow Saddam. This was due in large part to the fact that the US support the Shiites and the Kurds were counting on never actually materialized. Saddam's retribution was ruthless, arresting and executing Shiites en masse. Estimates vary, but roughly 20,000 Shiites were killed in the south. Saddam's intention to suppress the Shiites to the point of complete submission drove deeper than ever before the wedge between Iraq's Sunni and Shiite populations (Cockburn 57, 75). Following the pattern of co-opting Shiite support, Saddam appointed a Shiite as the new Prime Minister as soon as he had finished crushing the rebellion (Tripp 249). But as could be expected, this did little, if anything, to convince Iraqi Shiites that Saddam was on their side. Phebe Marr claims that Iraq was more fragmented socially, culturally and politically in 1991 than at any other time since World War II (Marr, "Day After" 14).

In an attempt to maintain a degree of control over the Shiites, Saddam selected Ayatollah Muhammad Sadiq al-Sadr to replace the recently deceased Iraqi Shiite religious authority. This was part of the regime's "broader effort to use religion as cement to keep itself in power" (Cockburn 88). Saddam knew that Sadiq did not strive for political revolution, as had his cousin, Muhammad Baqir al-Sadr. Sadiq instead focused on providing services to less fortunate Iraqi Shiites, building up a strong base of support throughout the 1990s in the poor Shiite districts of Baghdad and among certain Shiite tribes. As a result of Saddam's invasion of Kuwait, the United Nations Security Council had imposed crippling sanctions on Iraq, leading to the further impoverishment of large communities such as those Sadiq al-Sadr aided. Sadiq's growing popularity became a concern to Saddam and his cohorts, who had become obsessed with quelling any movement that had potential to overthrow the regime. Sadiq was assassinated in early

1999, enhancing the reputation of the al-Sadr family for martyrdom and resistance.  
(Marr, *Modern History* 300).

### *III. Section Conclusion*

As we have seen, the relationship between the Sunnis and the Shiites of Iraq is a product of modern cycles of repression and uprising that are at times driven by ancient animosities.<sup>8</sup> This section has sought to demonstrate just how fundamental the Sunni/Shia divide had become to Iraqi politics by 2003. For over half a century, Iraqi Shiites had been struggling for representation and power only to be crushed time and time again. At the end of the twentieth century, the outlook for the Shiites of Iraq was quite dismal.

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<sup>8</sup> Sunni Kurds are a notable exception to the historical account presented above. While the Kurds did play a significant role in nearly every development mentioned in this section, they played only a minimal role in de-Baathification and as such are only briefly mentioned.

### **Chapter 3**

#### **The First Stage of De-Baathification (1990-2002): Planning**

Having a basic understanding of the Sunni-Shia divide in Iraq, we may now examine the origins of the de-Baathification policy. We have seen that although the Shiites have at times enjoyed relatively powerful positions in Iraqi politics, Sunnis have more or less consistently dominated the political sphere, from the Ottoman era through the decades after independence. De-Baathification was a policy that reversed this dominance by prohibiting a large number of Sunnis from holding public office, though its stated intention was to prevent Baathists from returning to office in post-Saddam Iraq. In order to understand the origins of the policy, we start by examining its most likely author, Ahmad Chalabi, and his political coalition, the Iraqi National Congress (INC). It is worthwhile to examine Chalabi at some length, as he is the single most influential character in all three stages of de-Baathification. By examining the establishment and actions of the INC throughout the 1990s, we will see how Chalabi gained a Western audience and convinced key US policy makers to adopt his ideas concerning regime change in Iraq. I challenge the notion that Chalabi's American support was restricted to Republicans; indeed, certain key Democrats were just as influential in his rise as were the Neoconservatives. The section concludes with an attempt to trace the authorship and authority behind the final version of the policy that was implemented by Paul Bremer and the Coalition Provisional Council (CPA) in May of 2003. As we shall discover, accounts vary on how this controversial policy actually began.

By analyzing the planning stage of de-Baathification of 1990-2002, I seek to present a comprehensive analysis of this policy prior to its implementation in 2003. It appears that from its inception, de-Baathification fell victim to the self-serving ambitions

of those who controlled it. Though the US promoted it as a levelheaded, unbiased policy, its core Iraqi proponents openly intended to wield it as a tool of gaining power by pursuing political advantage.

### *I. Ahmad Chalabi and the Iraqi National Congress*

In part due to Saddam's brutal crackdown on the 1991 uprisings, the 1990s saw a historic confluence of Iraqi opposition groups. Although key Shiite and Kurdish opposition forces were continuing to develop within Iraq, the groups that would affect de-Baathification were developing in exile. There may have been as many as 1.5 million exiles prior to the Gulf War, and the war and sanctions increased this number to as many as 3 million by the mid 1990s. The largest gathering of these refugees was in Iran, where between half a million and one million resided (Marr, *Modern History* 273). We have already discussed the origins of two of the groups that developed amongst the Iraqi exile community in Iran, Dawa and SCIRI. Although there were ideological differences between these two groups, both shared the goal of replacing Saddam with an Islamic state run by the Shiite majority. Yet other opposition groups were developing that envisioned a more secular post-Saddam state. Ayad Allawi, a Shiite and former Baathist, formed such a group, the Iraqi National Accord, comprised mainly of ex-Baathists. The Iraqi Communist Party, naturally secular, also began to grow. From within Iraq, two Kurdish parties, the Kurdistan Democratic People's Party led by Massoud Barzani and the Patriotic Union for Kurdistan led by Jalal Talabani were also considering ways in which to oust the Baathist regime. These opposition groups brought a set of very diverse ideologies to the table and confronted a daunting series of fundamental questions. How

should the Baath regime be removed? Who should rule Iraq after it was gone? What sort of state was Iraq to become after this removal? Confronted with a set of seemingly irreconcilable differences, the principal opposition groups had difficulty working with one another.

Ahmad Chalabi, an eminently charismatic, Western-educated exile, sought to work through these differences and form a united opposition. Some might regard Chalabi as an unlikely candidate for this role due to his apolitical background. After leaving Iraq with his family in 1956, Chalabi completed his undergraduate education at MIT and obtained a PhD from the University of Chicago in mathematics. Prior to the formation of opposition groups, Chalabi was perhaps best known for allegedly committing fraud at a bank he owned in Petra, Jordan.<sup>9</sup> Throughout the 1980s, Chalabi claimed he met with American diplomats and the State Department to discuss bringing democracy to Iraq but that he was never taken seriously (PBS, “An Interview”). One year before the fraud charges were levied against him, Chalabi deepened his relationship with United States politics by lobbying for the Prevention of Terrorism Act, which attempted to punish Saddam for using biological weapons against the Kurds. The timing of this event suggests that Chalabi was interested in opposing Saddam even before his bank collapsed in 1989. His daughter, in fact, has argued that the reason her father was wrongly accused of fraudulent banking is that he tried to obstruct Jordan’s support of Saddam’s war against Iran (Chalabi, Tamara, “The Truth”). It seems that this collapse and Chalabi’s

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<sup>9</sup> The history of this alleged fraud is complex and multi-layered. Although not entirely relevant to his role in de-Baathification, the charges made against him, which stand to this day, have brought many to question his legitimacy not only as a businessman but also as a potential leader in Iraq.

sudden flight from Jordan to London shifted Chalabi's priorities, making opposition his full time activity.

From his position in London, Chalabi began forming relationships with US journalists and politicians and publishing his ideas in prominent news sources. His first three works appeared in 1991, the first in the *Wall Street Journal* in February followed by a similar piece in *The Washington Post* in March and a lengthier article in the summer edition of *Foreign Policy*. Chalabi used all three pieces to articulate his anti-Saddam position, scolding the US for continually supporting the Baath regime. "If little is known about the political opposition to Saddam Hussein, that is in part because the West has long ignored it, dismissing it as ineffective and factious and preferring the political stability of a dictatorship as more comfortable for the conduct of business" (Chalabi, "Democratic Future"). In the *Post* article, Chalabi chided, "The human cost to Iraq has been horrendous. Does this not place a responsibility on the victors to help Iraq get rid of the dictator, who until very recently enjoyed the assistance and support of all five permanent members of the U.N. Security Council?" (Chalabi, "Democracy for Iraq"). His *Foreign Policy* piece added, "Stability in Iraq is seen [by the United States] as far more important than democracy or basic human rights for Iraqis" (Chalabi, "The Past" 24). It is abundantly clear that Chalabi was not pleased with the manner in which the US had chosen to deal with Iraqi affairs in the past few decades.

Chalabi cited Iraq's diverse makeup as reason not only that Saddam's Sunni dominance had to go but also that Iraq was inherently capable of a democratic outcome. He stated, "the diversity of the society and the multiplicity of ethnic and religious groups...would help maintain and protect a democratic government through natural

checks and balances on irresponsible centers of power” (Chalabi, “Democratic Future”). As for the method of governance, Chalabi interestingly advocated “the Islamic theory of constitutional government...formulated and written by the Shia ulema in Iraq 90 years ago” (Chalabi, “Democracy for Iraq). Aram Roston, an investigative journalist responsible for the most comprehensive, albeit anti-Chalabi biased, account of Chalabi’s influence on the US decision to go to war with Iraq, notes that Chalabi used the word “democracy” or “democratic” 19 times in his initial article in the *Journal* (Roston 69).

Two themes can be discerned from Chalabi’s 1991 US publications. First, Chalabi was encouraging the US to stop supporting Saddam and work instead to support “the Iraqi people.” Considering that the Gulf War was nearly over by the time Chalabi’s first article hit newsstands in February 1991, this first theme seems to be a foregone conclusion. Second, Chalabi believed democracy would occur naturally if Saddam were removed from power. He saw Iraq’s diversity as naturally leading to a confessional system of government, which could represent different religious and ethnic groups. We will return to the importance of these themes as we analyze the construction of the de-Baathification policy.

These articles helped Chalabi gain traction amongst some US policy makers, both hawkish neoconservatives and certain liberals. In 1991, Chalabi became a leader of the International Committee for a Free Iraq, which boasted an impressive list of members. The list included politicians such as Republican Senator John McCain and Democrat Senator Claiborne Pell, the head of the Foreign Relations Committee; political advisors such as Richard Perle; and renowned academics such as Bernard Lewis. The Committee sought to crush Saddam and liberate Iraq after the Gulf War (Roston 70-71). Chalabi’s

position helped him gain the favor of politicians who could help his cause. The year 1991 also saw the start of covert CIA funding to Chalabi's opposition, which began as a mere \$50,000 of trial funds (Roston 77).

This funding and support helped Chalabi organize the first official gathering of what would become the Iraqi National Congress. In June 1992, leadership of the Kurdish Democratic People's Party (KDP), the Patriotic Union for Kurdistan (PUK), and Arab nationalist groups met in Vienna to start the INC (Marr, "Day After" 24). Accounts vary on the participation of the Iraqi Communist Party, SCIRI, and Dawa, but in the end, all three groups participated, at least nominally, in Chalabi's INC. Chalabi claims that 400 opposition leaders from across the globe attended this initial meeting (PBS, "An Interview"). The CIA supported this meeting of Sunni Kurds and exiled Shiites, but it did not support Chalabi's decision to shift the INC into Kurdistan later that year.<sup>10</sup> That Chalabi did so anyway was part of the reason the CIA eventually withdrew its funding from the INC.

After the original meeting and subsequent small-scale meetings in Washington, Chalabi claims that he received a letter in August 1993 from Vice President Al Gore, stating,

On behalf of the president, I give you the undertaking of the United States to prevent Saddam Hussein from oppressing the people of northern Iraq...we give you solid assurances that the United States will do whatever it can to assist you, to overthrow Saddam and establish democracy in Iraq (PBS, "An Interview").

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<sup>10</sup> Thanks in large part to the establishment of a no-fly zone in northern Iraq, Kurdistan became increasingly autonomous and a safe haven for opposition to Saddam in the 1990s.

Excited by the success of the Vienna meeting and this alleged promise of support, Chalabi was anxious to bring the opposition to Iraqi soil. The second INC meeting was held in Salahuddin in October 1992, where it established an assembly, elected an executive committee, and confirmed Chalabi as its leader (Tripp 266). At this meeting, Chalabi outlined the intentions of his INC, “The INC endeavors to become the nucleus of an actual provisional government that will extend its authority over parts of the territory of Iraq and seek to expand it to cover all the territory of Iraq and to overthrow Saddam Hussein and his regime” (Roston 91-92). The INC, funded by the CIA, was now an established umbrella organization of Iraqi opposition groups operating from within Iraq. It seemed as though Chalabi was well on his way to ousting Saddam and installing diverse opposition forces.

Yet Chalabi’s INC was about to encounter the first of a set of serious problems. As an umbrella organization, the INC represented myriad political viewpoints. The two Kurdish opposition groups in the INC, the KDP and PUK, butted heads in 1995 just as Chalabi launched his first attack on Saddam’s forces from his base in northern Iraq. At this point, the INC had built up a force of roughly 1,000 troops, though this was done without CIA authorization or intent. Chalabi attempted to use this small force to incite riots in cities surrounding Baghdad, the idea being that the riots would inspire Iraqi Army troops to defect and join the opposition. According to Chalabi, “[Iraq] was like a junkyard full of gasoline cans, and all one needed to do was throw a match to get the fire started” (Roston 106). The feuding KDP and PUK helped ruin Chalabi’s master plan when the KDP invited Saddam’s forces into Kurdistan to help destroy PUK forces. The Iraqi Army crushed Chalabi’s 1,000 troops and put to rest his “junkyard” theory, though

Chalabi did not see it that way. In a PBS interview years later, Chalabi oddly claimed that the 1995 uprising had shown how the INC could “be successful in attracting a lot of the Iraqi military” (PBS, “An Interview”), when in reality very few soldiers had defected to his side. The failure also called into question Chalabi’s theory of diverse communities governing a post-Saddam Iraq through a system of natural checks and balances. If one Kurdish party vehemently opposed to the Baath party was willing to call on Saddam’s support to crush another Kurdish opposition party, how much merit could Chalabi’s theory of inherent cooperation in diverse governance have?

Around this time, the CIA began investigating how the money funneled to the INC was being spent. When this investigation reported that the funding was not being used in accordance with CIA intentions, the funding was cut and the CIA’s support of Chalabi’s INC came to an end. The CIA turned its funding and attention to Ayad Allawi’s opposition group of ex-Baathists, supporting a failed coup in 1996 (Roston 117-119). Chalabi, not one to be disheartened easily, capitalized on his connections in Washington DC and began receiving funding for his new project, INDICT, “a group dedicated to exposing the war crimes committed by Saddam Hussein and his men” (Roston 146). In summer 1998, congress earmarked \$3 million for the project. Chalabi’s ambitions were now being funded directly by Congress.

The greatest funding achievement for Chalabi was the Iraq Liberation Act of 1998, which allocated \$97 million for US military aid to Iraqi opposition (read INC). The hearing is also an example of a discrepancy between Chalabi’s words and actions. In a 1998 Senate hearing regarding the Iraq Liberation Act, a passionate Chalabi claimed, “I am here as an elected representative of the Iraqi people” and “It is not up to the CIA to

determine Iraq's leadership. It is up to the Iraqi people" (Roston 151). Yet how could Chalabi claim to be a representative of the Iraqi people? Chalabi had not set foot in Iraq from 1956 until 1992, and even then only into relatively autonomous Kurdistan. The CIA had discovered that their INC funding had been spent irresponsibly and, in certain instances, without authorization. Ironically, by the time Congress had allocated the \$97 million for the INC in 1998, the group had dissolved into a small coalition of diehard Chalabi supporters that could hardly claim to represent the voice of a diverse Iraqi opposition as it potentially had in 1992. Chalabi's decision to go on the offensive to attempt to spark a nationwide uprising in 1995-1996 had brought the near collapse of his coalition and the complete halt of CIA funding. Chalabi's claim of being an elected official refers to his appointment as leader of the INC in 1992 – but what merit could this appointment have in 1998 when the organization was in shambles? Yet his growing network of US political support allowed him an audience at the Senate hearing that eventually won his organization nearly \$100 million. His testimony at the hearing earned the support of both Zalmay Khalilzad, a future US ambassador to Afghanistan and Iraq, and James Woolsey, the director of the CIA while Chalabi was receiving CIA funds. Only Richard Hass, a former State Department official, expressed skepticism, pointing out that "Chalabi's group wasn't really the functioning inclusive organization it claimed to be" (Roston 152).

Despite Chalabi's success in obtaining promises of financial support, the State Department was slow to release the actual funds. Until 2000, only \$3 million was actually paid to the INC. Chalabi constructed the Iraq Liberation Act Committee to lobby for the release of further funds, eventually receiving a payment of \$33 million in May 2000 to

the Iraqi National Congress Support Foundation. As with the CIA funding in the early 1990s, an investigation revealed large discrepancies between the ways the money was being spent and the ways it was accounted for (Roston 165-178).

The greatest boost to Chalabi's agenda came in 2001, when a number of his allies achieved prominent public office positions. This list included Deputy Secretary of Defense Paul Wolfowitz, Chairman of the Defense Policy Board Advisory Committee Richard Perle, and Undersecretary of Defense for Policy Douglas Feith (Roston 183). Chalabi's decade of building relationships and networking with US diplomats, politicians, and journalists was about to pay off with unprecedented success. The State Department kept up its funding of the INC, sending an additional \$3 million from 2000-2003. The INC claimed to be using these funds for "humanitarian activities", but investigations demonstrated otherwise. The INC published a small newspaper and broadcast a daily hour of satellite programming, but since that newspaper and all satellite dishes were banned in Iraq, very few Iraqis in Iraq actually received the INC's news (Roston 236). As the State Department withdrew its funding, the Defense Department picked up the tab. Starting in 2002, the Defense Department paid a monthly stipend of roughly \$340,000 to the INC's Information Collection Program, presumably as a method of stoking Iraqi opposition. At the same time, Congress earmarked an additional \$7 million for the INC (Ferguson 42, Roston 249).

## *II. Developing De-Baathification*

The term "de-Baathification" first surfaced in the pages of a prominent London newspaper in 2002, where Chalabi is quoted comparing what must happen in Iraq to that

of de-Nazification in post-World War II Germany (Roston 238). Democracy, according to Chalabi, would not stand a chance without wholesale Baathist removal. It is important to note that from the very start, Chalabi publically referred to de-Baathification as the removal of *all* Baathists from public office. Years later, US officials looked on with regret as Chalabi expertly wielded the power they had allowed him to command to remove every former Baathist from his/her position. Had they taken his comparisons to de-Nazification seriously, they might have constrained his power before it was too late.

The comparison has attracted a considerable amount of analysis in the years since it was first made. Citing the works of Bernard Lewis, those who saw it as a valid comparison pointed to the similarities between the Baath party and Nazi party. The argument claimed that Baathist ideology was rooted in a blend of Nazi and Soviet influence, pointing to methods of oppression as proof of this influence (Johnson). The similarities increased the likelihood that what worked to disassemble a Nazi regime could also work for a Baath regime. Some versions of this argument extended beyond the ideological similarities to argue that on practical grounds, a large-scale purge was just as necessary in post-Saddam Iraq as it was in post-World War II Germany. The Baath party had ruled ruthlessly since 1968, and to believe that Iraqi society could move forward after the fall of Saddam without an accompanying purge of his bedfellows was to grossly underestimate the affect of Saddam's iron-fisted rule.

However, James Dobbins of the RAND corporation claimed that the comparison of de-Baathification to de-Nazification fell flat if one took into account the situation on the ground in post-World War II Germany and post-Saddam Iraq. Germany had suffered a devastating defeat and was occupied by 1.7 million American troops during de-

Nazification. Iraq, on the other hand, was not coming off a protracted war, though it had indeed experienced utter defeat. Additionally, the Baath party had been in power far longer than the Nazi regime, making it more difficult to prove who exactly was guilty of what. With only 100,000 US troops in country and a far smaller ratio of US troop to native citizens, Dobbins argued that de-Baathification had little chance of succeeding as well as de-Nazification had (PBS, "Key Controversies" 3). Robert Hutchings, chair of the National Intelligence Council from 2003-2005, believed that the connection between de-Baathification was "based on a very imperfect understanding of what de-Nazification was all about," in that de-Nazification actually allowed back into prominent government positions many former Nazi officials, whereas de-Baathification as envisioned by Chalabi sought an all out, far reaching ban (Ferguson 154). A 2002 report done by the Army War College concluded that de-Nazification was successful in part because of its bottom up approach, where information about the Nazis was collected at the village level. De-Baathification, on the other hand, was a top down approach that relied on very select sources to gather intelligence on who had Baathist ties (PBS, "Key Controversies" 2). Indeed, one of de-Baathification's largest issues was its reliance on limited, biased intelligence from select Iraqi exiles. Upon closer inspection of Chalabi's comparison, these analyses suggest that de-Nazification may not have been the best model for de-Baathification, due to their multiple differences.

The most instructive point of comparison was that it was indeed necessary to remove certain Baathist officials from their positions in post-Saddam Iraq, just as certain Nazis had been removed in post-World War II Germany. A critical element of post-conflict administration is the process of vetting former regime officials. The importance

of properly vetting former regime officials was outlined in a report published by the International Center for Transitional Justice and the Human Rights Center at University of California, Berkeley. The report stated:

Vetting to remove abusive officials from positions of authority, if carried out fairly, properly and prudently, can be a legitimate part of a larger process of institutional reform in periods of transition. It can also play an important role in ensuring that past abuses are not repeated and can deprive offenders of retaining power and influence over the affected populations during the social reconstruction process. At the same time, vetting is a complex, sensitive and resource-intensive process that is fraught with pitfalls. Vetting programmes, if badly-handled, can easily turn into purges and so create further abuse, resentment and distrust. Finally, extremely broad or poorly targeted vetting programmes can also deplete a post-war society of trained administrators (Stover et al. 18-19).

Many Iraqis were victims of decades of oppression, and it is obvious that something had to be done once Saddam was removed. Yet it seems that de-Baathification took this process too far, indeed falling into that purge pitfall.

Once the idea of de-Baathification was introduced, Chalabi used his influence in Washington to circulate it amongst policy makers, sparking a debate between the Pentagon and the State Department as to the level on which it should be implemented. The Department of Defense, run at the time by Donald Rumsfeld, his Deputy Paul Wolfowitz, and Undersecretary for Policy Douglas Feith, advocated a wide-sweeping version of the policy that emulated Chalabi's comparison to de-Nazification. This policy was presented to Feith in a document prepared by the INC (a copy of which has proven difficult to obtain), which claimed that American occupation in Germany had proven successful as a result of near complete removal of Nazis from governance. But the State Department, backed by the analysis of the CIA, believed that only Saddamists, not all Baathists, should be removed from post-Saddam governance. This would allow former

Baathists to return to their positions after being properly vetted. The dispute was temporarily resolved by the National Security Council (NSC), which proposed that only the highest ranking Baath members would be automatically removed from their positions while the other ranks would be allowed to return after a truth and reconciliation process (Chandrasekaran 69). Had this version of the policy been implemented, de-Baathification probably could have contributed to developing a more democratic Iraq.

The official de-Baathification policy was more extensive than the version of proposed by the NSC. The Office of Special Plans, formed to collect intelligence on Iraq before the invasion and headed by Undersecretary of Defense for Policy Douglas Feith, drafted the version of the policy that was actually implemented (Chandrasekaran 70, Ferguson 148). The policy was entitled “De-Baathification of Iraqi Society.” This version expanded the scope of the policy to the top four levels of the Baath Party, moving beyond the NSC’s recommendation. Some have claimed that it was Chalabi’s INC that convinced Feith of the necessity of this expansion (Chandrasekaran 70). Apparently, much of what was known of the “top four levels” came from Chalabi and fellow exiles. Paul Bremer indicated in his memoirs that US intelligence believed roughly 20,000 of the 2 million total Baathists to be in this category (Bremer, *My Year* 39-40). Feith’s Office also pushed beyond the NSC recommendation by including a clause in the policy that prevented regular Baath party members, those beneath the top four levels, from holding positions in the top three layers of management in every governmental office. These expansions dramatically increased the number of Iraqis who would be removed by de-Baathification. It is this far-reaching draft of the policy that was initiated on May 16, 2003.

### *III. Section Conclusion*

Ahmad Chalabi's rise to prominence relied heavily on his ability to network with fellow opposition leaders and US policy makers. Although his intentions of ousting Saddam and installing a democratic, sovereign government appeared honorable, the manner in which he attempted to accomplish his goals marred his credibility as an opposition leader. By the end of the 1990s, both the CIA and the State Department had completely withdrawn their funding of Chalabi's INC after discovering that large sums of money were funding projects outside those which had been agreed upon. Even the funding promised to Chalabi with the 1998 Iraqi Liberation Act, arguably his biggest win of the 1990s, was not actually made available to him until he established connections in the Department of Defense in 2003. It is important to note that some of Chalabi's greatest support in the 1990s came from the Democratic Party (recall Al Gore's 1993 letter pledging support to the INC and President Clinton signing the Iraqi Liberation Act five years later). It is often assumed that Chalabi's power and influence derived solely from connections with the neoconservatives, and indeed, much of it did. Yet the vast majority of Chalabi's funding until the outbreak of the Iraq War came from Democrats.

By the same token, had it not been for the sudden ascendancy of his long-time, conservative allies in the White House under the Bush administration, Chalabi's arguments on how to conduct affairs in a post-Saddam Iraq would most likely have fallen on deaf ears. Chalabi's main contribution to the idea post-Saddam vetting was his absolute insistence on carrying this process out to its maximum degree, ensuring no Baathists would ever again be able to work in Iraq. It was this policy, adopted by Douglas Feith and, to an extent, Paul Bremer, that helped rip Iraq apart in the approaching war.

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## **Chapter 4**

### **The Second Stage of De-Baathification (2003): Initial Implementation**

It did not take US forces long to implement de-Baathification in post-Saddam Iraq. After a milder version of the policy was deemed ineffective, Ambassador Paul Bremer of the Coalition Provisional Authority (CPA), the US body temporarily responsible for governance in Iraq, implemented the version of the policy drafted by Feith's Office of Office of Special Plans. In an optimistic attempt to put Iraqis in control of certain policies, Bremer allowed Ahmad Chalabi, the quintessential anti-Baathist, to run the Supreme National De-Baathification Commission. Within a few short months, Chalabi expanded massively the scope of the policy, dismissing tens of thousands of former Baathists who had only joined the party so as to obtain employment or protect their families. Chalabi wielded the policy with unprecedented vigor, hindering his ties with the US and pushing Iraq towards sectarianism.

#### *I. Initial Implementation*

Just before the invasion of Iraq on March 19, 2003, the Office of Reconstruction and Humanitarian Assistance (ORHA) was constructed to manage the affairs of transitional governance. Jay Garner, a retired Lieutenant General who had managed humanitarian affairs in Iraq after the 1991 Gulf War, was temporarily placed in charge of the organization. Garner and his team arrived to Baghdad in the middle of April 2003, facing the immense challenge of reinstating law and order in Iraq. To help with this, the ORHA tried "to reconstitute as much of the old Iraqi administration as they could by recalling people to their posts, setting up temporary offices and guaranteeing salaries" (Tripp 279). This was seen as necessary in light of the massive number of officials,

including all the government's ministers and deputy ministers, who had fled their posts in the face of US invasion. In an interview, Garner described an unwritten policy of "gentle de-Baathification." The idea behind the policy, as Garner explains, was to vet systematically former government employees as power was gradually returned to ministries of the old regime. Instead of prohibiting former Baathists from working in public office based on their party affiliation, they would be allowed to return to work unless specific evidence of allegiance to Saddam could be presented (Ferguson 146). This policy emulated that which was proposed by the State Department and CIA to the National Security Council prior to the invasion, covered in the previous chapter. While a few Saddamists would probably slip through the cracks with this method, with the right amount of resources it could have successfully vetted all former Baathists and reinstalled those without strong allegiance to Saddam to their old positions, allowing the civil service to function nearly as well as it had before the invasion. Even some ardent supporters of outright de-Baathification (Chalabi not among them) acknowledged the need for certain former officials, the only ones experienced in running Iraqi state affairs, to return to their positions. Yet the version of de-Baathification created by Feith's Office of Special Plans went well beyond Garner's vetting process. Garner's insistence on "gentle de-Baathification" is a possible reason for his premature dismissal from Iraq, as Feith and others under Chalabi's influence saw it as far too lenient (Ferguson 148).

Paul Bremer III and the CPA replaced Garner and his ORHA on May 12<sup>th</sup>, after the Bush administration became increasingly dissatisfied with Garner's progress in getting Iraq back to its feet. Prior to his appointment as Ambassador of Iraq, Bremer had no experience in a Muslim country outside of a stint working in Afghanistan in the 1960s.

“[Bremer] had never served in the military, had never worked in the Middle East, had never worked on Persian Gulf issues, spoke no Arabic, had never worked in any postwar occupation or reconstruction effort, had no experience with the oil industry, and had never managed any large budget or organization” (Ferguson 144). Outside of his experience with counterterrorism as a career foreign service officer, Bremer seemed an incredibly odd pick for the job. Although Garner may not have been qualified to administer all aspects of post-Saddam Iraq, he at least had experience in humanitarian issues there. Bremer’s lack of experience in the region helps explain why certain questionable decisions were made during his time as Ambassador.

Bremer’s first questionable decision was to implement the full policy drafted by Feith’s Office of Special Plans, “De-Baathification of Iraqi Society,” though it is hard to judge whether Bremer had much of a choice in the matter. A commonly held belief at this time, demonstrated through an extensive list of newspaper editorials and journal articles, was that Bremer was completely in control of the decision to implement de-Baathification as constructed by Feith’s office. Yet there is some convincing evidence that argues to the contrary. Before replacing Garner, Bremer received two critical documents. One was Feith’s policy while the other came directly from Secretary of Defense Rumsfeld, a memo entitled, “Principles for Iraq – Policy Guidelines.” This memo outlined in no uncertain terms the path that Bremer was supposed to take:

11. De-Baathification. The Coalition will work with forward-looking Iraqis and actively oppose the old regime’s enforcers – the Baath Party, Fedayeen Saddam, etc. – and make clear that it will eliminate the remnants of Saddam’s regime (Rumsfeld 2).

In his brand new role as Ambassador to and Administrator of Iraq, Bremer was certainly not about to defy an order from the Secretary of Defense, backed by President Bush, especially considering that the recently dismissed Garner had hardly finished packing up his “failed” ORHA. Secretary Rumsfeld spoke in no uncertain terms here. By specifically citing the Baath party as an example of the old regime’s enforcers, Rumsfeld was clearly endorsing an extensive de-Baathification process. He made no distinction here between Saddamists and Baathists. Judging from the influence Chalabi had on Feith and Rumsfeld until this point, it is possible that this document was also meant to inform Bremer’s relationship with Chalabi and his INC, the “forward-looking Iraqis” that Rumsfeld mentioned. Further pressure to implement de-Baathification might have come from President Bush’s “National Security Presidential Directive 24: Post-War Iraq Reconstruction,” a classified document that allegedly contained, amongst other things, Bush’s instructions on de-Baathification.

There is no question that de-Baathification as implemented by Bremer had lasting consequences. The policy disallowed the top four tiers of Baathists from working in public office and completely dissolved their pensions. All members in the top three ranks of government service were to be investigated, a resource-intensive venture that appears to have been poorly executed. If they were found to have any Baath party affiliation, a likely possibility, they too were to be dismissed from their positions. Exemptions could only be approved by Bremer himself on a case-by-case basis, a questionable proposition if one considers the tens of thousands of Iraqis who were affected by the policy. Perhaps more damning than the suspension of pensions in addition to removal from employment was the limited chance of finding a new job in Iraq’s dismal economy. Unemployment in

2003 Iraq hovered around 40%, and since the government from which those affected by de-Baathification were now banned was responsible for approximately 60% of employment, it effectively condemned them to permanent unemployment at the same time as their pensions were destroyed (Ferguson 148).

In his memoirs, Bremer made it clear that he intended to distinguish between those who were actually Baathists (read: Saddamists) and those who merely accepted the title to work and survive - a sensible distinction for which he deserved credit, particularly in the face of Rumsfeld's instruction to "eliminate the remnants of Saddam's regime." Bremer wrote, "Many people had joined the party because it was often the only way to get a job as a teacher or civil servant or because the person or a family member had been coerced. The Coalition had no gripe with them" (Bremer, *My Time* 39-40). He continued, "Although the order would bar only about 1 percent of the Baath party members from public service, I wanted to be sure we were focused on the right people" (Bremer, *My Time* 42). Many analyses of the CPA's rule of Iraq demonized Bremer for unleashing unkempt de-Baathification as his first order of business, and indeed the very first order he signed was that concerning de-Baathification. Yet it is important to note that he signed it with the belief that it would exclusively target the highest tiers of de-Baathification, the top 1 percent whom he believed to be unquestionably complicit with Saddam, that he was most certainly under pressure from Secretary Rumsfeld and others, and that de-Baathification only became an issue when he allowed Chalabi direct involvement.

I do not intend here to defend all of Bremer's actions regarding de-Baathification, as it laid the groundwork for a sectarian policy. It is interesting to read his memoirs and note his careful phrasings, for instance mentioning that "the reaction of the Iraqi people

to the de-Baathification decree was overwhelmingly favorable. Literally hundreds of times over the next fourteen months I would hear that Order No. 1 was the single most important step I had taken as administrator” (Bremer, *My Time* 45). He continued throughout the book to cite conversations with prominent Shiite leaders who were elated that something was being done about the Baathists. Yet how could they not have been elated? The majority of Iraqi Baathists were Sunni – the fewer Sunnis that were qualified for public office, the greater the chances for Shiite dominance. Even so, the opinion of these Shiite leaders on de-Baathification matters, for they certainly would not have been pleased with Bremer had he completely ignored the Baathist issue. As the Shiites represented the majority of Iraqi population, Bremer had to take into account their concerns with the remnants of the Sunni-dominated party that had suppressed the Shiites for decades. Indeed, as we shall see in Chapter Five, key Shiite leaders such as Muqtada al-Sadr and Nuri al-Maliki would eventually take more direct control over the policy when they felt it losing steam, an indication that a purge may have eventually happened with or without Bremer’s approval. Yet in spite of the pressures to institute a sweeping version of de-Baathification, a more controlled version coupled with other elements of well-prepared transitional justice, such as fair criminal trials and reparations, could have satisfied the demands of the formerly oppressed Shiites without unleashing a policy of such sectarian underpinnings.<sup>11</sup>

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<sup>11</sup> For further readings on transitional justice mechanisms and their potential applications to post-Saddam Iraq, consult “Justice on hold: accountability and social reconstruction in Iraq” by Stover et. al.

## *II. Chalabi and Bremer – A Conflict Fester*

The relationship between Paul Bremer and Ahmad Chalabi was critical to the implementation of de-Baathification beyond its initial phase. De-Baathification implementation hinged on who would command it, and the resulting fallout was a direct result of Bremer's decision to hand de-Baathification to the Iraqi Governing Council, of which Chalabi was a prominent member. It appears that Bremer made this decision under pressure from many sources to speed up the transition of governance from the CPA to an interim Iraqi government.

To understand how the management of de-Baathification shifted from Bremer to Chalabi, it helps to know something of post-Saddam governance in Iraq prior to that shift. The transfer from the ORHA to the CPA was part of a broader shift of US strategy to occupy Iraq for an indefinite period of time, lowering the priority of organizing interim Iraqi rule. This broader shift engendered considerable hostility to US plans in Iraq, both on the part of Iraqis who had been counting on immediate, independent governance, such as Chalabi, and on the part of international observers. This was the greatest source of tension between Bremer and Chalabi, the former representing what the latter saw as intrusive governance that had outworn its welcome.

In his second PBS interview, Chalabi discussed the large differences in how the INC and the US envisioned Iraq after Saddam. Chalabi's INC "adopted the position that the Iraqi opposition would [immediately] form a provisional government which would deal with the issues of liberation and transition to democracy" (PBS, "Interview: Chalabi"). But the US, according to Chalabi, was not interested in installing an exile government to rule post-Saddam Iraq in accordance with Chalabi's plan, and would

instead concentrate on allowing Iraqis who had been living in the country under Saddam, including former Baathists, gradually to take control from a transitional US military government. This plan seemed unworkable to Chalabi, as he did not think that there were sufficient administrators in Iraq capable of ruling. Chalabi's ideal, it seems, would have been for the US to remove Saddam and to immediately hand over power to his INC, a group he perceived as untainted by Saddam's rule. In this same interview, Chalabi claimed that he used his influence with Paul Wolfowitz and the office of Vice President Dick Cheney to convince the US to adopt some of his ideas for post-Saddam governance (PBS, "Interview: Chalabi"). It is possible that this in turn put pressure on Bremer to hand over elements of post-Saddam governance, such as de-Baathification, to the Iraqis ahead of his original schedule.

In a February 2003 op-ed in the *Wall Street Journal*, Chalabi discussed the importance of his plan for a provisional government. By this time, Chalabi had assembled a small, armed unit, known as Free Iraqi Forces, in northern Iraq. The chief sources of recruits for this force were the Iraqi refugee camps in Iran. The funding for the Free Iraqi Forces came from the 1998 Iraqi Liberation Act, which had finally starting paying large sums of money to the INC (Roston 250-254). Chalabi's op-ed lambasted the US plan for American military governance, stating that "it forces American officers to make difficult decisions about Iraqi society and culture with very little knowledge...How will American officials determine issues of compensation and restitution for the hundreds of thousands of displaced persons returning to their homes which may be occupied by others?" (Chalabi, "Iraqis Must"). Chalabi spoke as though, compared to any potential US governing body, he possessed vast experience with internal Iraqi affairs. From his

position in northern Iraq, Chalabi saw himself leading his small opposition force into Baghdad with help from the US and wresting control from Saddam. Yet he had not set foot in anywhere in Iraq but the northern Kurdistan for 45 years, nor had most of the leaders of his INC. Nor, as we recall, did his 1995/96 skirmish in Kurdistan turn out as he had hoped. None of this stopped Chalabi from his usual bravado:

Today, members of Iraqi opposition and representatives of the many resistance groups inside government-controlled areas are gathering for a conference that marks the beginning of the final phase of our struggle. The biggest joke here is the criticism from our opponents in the West that we are fractured. Iraq is a diverse society and this multifaceted nature of the opposition is not its weakness – it is our core strength on the road to democracy (Chalabi, “Iraqis Must”).

As during the Senate hearing regarding the Iraqi Liberation Act, Chalabi spoke as if he represented the bulk of Iraqi opposition. This is suspect on two fronts. First, many fellow exile opposition groups had already abandoned the concept of a provisional government before 2003 (Phillips, “Iraq’s exiles”). Second, Chalabi once again neglected to mention anything about internal non-Kurdish opposition, such as the Shiites under the leadership of the influential Muqtada al-Sadr. Despite the questionable accuracy of his statements, his influence over members of the Department of Defense meant that his words were taken seriously and, indeed, at face value.

In part to appease the likes of Chalabi and in part to slowly begin the transition to Iraqi rule, Bremer set up a “Group of Seven”, comprised of returned Iraqi exiles, including Chalabi as well as representatives of the Islamists parties and the Kurds, to begin managing certain Iraqi affairs. Perhaps in an effort to dilute the influence of the exiles, Bremer quickly expanded the group to a 25-member council, known formally as the Iraqi Governing Council. Bremer appointed the council members based on sectarian

representation, emblematic of the US focus on sectarianism in post-Saddam Iraq, ending up with 13 Shiites, 5 Sunni Arabs, 5 Kurds, 1 Turkmen and 1 Assyrian Christian (Tripp 284). Although tasked with appointing ministers and drafting laws, the Governing Council was largely impotent, as any decision could be trumped by a CPA veto. With time, the Governing Council still managed to influence certain key policies. An example is when Bremer handed control of de-Baathification to the Council in the form of a sub-council, the Iraqi De-Baathification Council (IDC). Bremer's decision was undoubtedly influenced by the loud calls for increased Iraqi participation in governance. The negative ramifications of de-Baathification, covered in forthcoming sections, make his decision to use this policy as a demonstration of Iraqi sway in post-Saddam Iraq seem unfortunate.

The initial IDC, established by "Coalition Provisional Authority Order Number 5", was relatively benign. The order clearly stated, "The Council will operate at the discretion of the Administrator and will terminate operation at a time to be fixed by the Administrator" (Bremer, "Order Number 5"). The purpose of the original IDC was to find information on Baathists and to advise the CPA on what to do with them – it had no power to dismiss the accused individuals and had only limited investigative mandate. The order made it abundantly clear that, as with all other decisions made by the broader Governing Council, the CPA was still the main decision maker. Just over a week after this order was released, the CPA put out its first memorandum, entitled "Implementation of De-Ba'athification Order Number 1." This memo outlined the process by which the CPA would investigate claims that the IDC brought to its attention. This would be done through Accreditation Review Committees, comprised of military investigators, US civilian investigators, and professional Iraqis. The most interesting clause of the memo

was its second objective, where Bremer acknowledged the intention to transfer authority to the IDC, though he was careful to avoid a specific timeline.

2) Later, as higher levels of the former Iraqi government undergo a reliable and rigorous de-ba'athification process and the Iraqi De-Ba'athification Council demonstrates sufficient capability, the Administrator will task the IDC to assume increasing and ultimately full responsibility of the process, subject to the authority, direction and control of the Administrator (Bremer, "Memorandum No. 1").<sup>12</sup>

The critical transfer of authority did not happen until November 4<sup>th</sup>, 2003, when Bremer signed "Coalition Provisional Authority Memorandum Number 7" into law. As the 25-member Governing Council grew more powerful and annoyed at its lack of decision-making power, it sought more subversive methods to assert influence. The Council created the Higher National De-Baathification Commission (HNDC)<sup>13</sup> without prior approval of the CPA. Two months later, the CPA released Memorandum 7, officially recognizing the creation and authority of the HNDC, stating, "The Governing Council is hereby empowered to carry out the de-Baathification of Iraqi society consistent with CPA Order No. 1" (Bremer, "Memorandum Number 7"). The memo also authorized the HNDC to "seize and manage property and assets of the Baath Party," in addition to other more trivial increases of authority. With this memo, the CPA marginalized its role in de-Baathification to one of background approval, reserving the right of veto, but otherwise empowering the HNDC to do as it pleased. It is important to

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<sup>12</sup> This memo, similar to other CPA orders and memos, has a share of typos, which I have chosen not to correct in their reproduction. "Ba'ath" is sometimes capitalized, sometimes not and at one point has an accidental letter, "ba-atheists". I do not want to infer ignorance from mere typos, but it does say something about the manner in which the orders and memos were released.

<sup>13</sup> The Higher National De-Baathification Commission is also commonly referred to as the Supreme National De-Baathification Commission. These refer to the same commission and are simply a result of different translations of an Arabic word.

note the sequence of events in which this commission was formed. That the CPA retroactively recognized the HNDC, a commission formed to take charge subversively of one of the key policies in post-Saddam Iraq, demonstrated the erosion of Bremer's control over the organization of Iraqi affairs. Six months prior, Bremer ruled with an iron fist and made it clear that his CPA was the final authority on all important matters. By November, he appeared to be operating at the whim of Iraqi exiles.

Chalabi jumped at the chance to get behind the wheel of de-Baathification. The Governing Council, over which Chalabi had considerable influence, took a gamble in creating the HNDC without prior CPA approval. It is not clear how exactly Chalabi gained control over the HNDC, though as he was de-Baathification's most enthusiastic supporter, it is hard to imagine any other member of the Governing Council putting up a fight. Many of them were more concerned with gaining power for their respective political blocs, something that could only be helped by de-Baathification. This transition is notably absent in Bremer's coverage of his year in Iraq, though he does express remorse and acknowledge that turning the matter over to Chalabi was a mistake.

### *III. Iraqi Public Opinion Regarding De-Baathification*

It will be worthwhile here to examine Iraqi public opinion on regime change and the de-Baathification policy. Though survey data and full studies for this time period (post-invasion 2003 Iraq) are limited for obvious reasons, the International Center for Transitional Justice and the Human Rights Center at University of California Berkeley managed to produce a report entitled "Iraqi Voices: Attitudes Toward Transitional Justice and Social Reconstruction," which included extensive data regarding public opinion of,

amongst other things, de-Baathification. The data was collected from “extensive interviews and focus groups...with representatives from a broad cross-section of the Iraqi population” between the invasion of Iraq and Saddam Hussein’s capture (“Iraqi Voices” i) – a time period that corresponds neatly with the initial implementation of de-Baathification. 395 people were polled, either through interviews or focus groups, representing every major religious and ethnic group in Iraq. While the conclusions drawn from this survey cannot be considered all encompassing due to the relatively low number of participants, the findings represent the most reliable sampling of Iraqi opinion on de-Baathification available from this time period and therefore are still a useful tool.

The first important finding from the report concerns the difference between Saddamists and those who were Baathist in title only:

It is significant that most respondents differentiated between the Ba’ath party leadership and those who actually ordered or committed human rights violations, and Ba’ath party *members* in general. With a few exceptions, respondents were reluctant to place the entire Ba’ath party membership on trial, and there was widespread recognition that Ba’ath party membership was a technique for survival under the old regime that did not necessarily mean direct participation in human rights crimes (“Iraqi Voices” 28).

A number of survey quotes from diverse ethnic and sectarian groups and locations back this finding. An Assyrian Christian man from Baghdad stated, “The small ones in power had no choice, but the directors and the officials have to be punished” (28). Other quotes come from a Marsh Arab, a Shiite group subject to some of Saddam’s harshest persecution in the 1990s. He stated, “Only those who were in the leadership and the ones who pressured the people must be tried by the authorities,” (28) and again, “All of Iraq is Ba’athist because an employee couldn’t get a job if he wasn’t a Ba’athist, but not all of them are criminals. There are those that are innocent” (36). That members of this

oppressed group spoke on the need for a careful distinction in policy suggests that Chalabi's version of de-Baathification may have overestimated the zeal of his fellow Iraqis for such a far-reaching policy.

A second important finding discovered that the Kurds of the relatively autonomous northern region were more likely to back a Chalabi-level purge than were Sunnis and Shiites in Baghdad and southern Iraq. A Kurdish lawyer noted, "The Ba'athists who signed the document to join the party are, in an indirect way, partners in the crimes, because they knew the realities that were going on [due to] Saddam and how he violated human rights" (37). It is not altogether surprising that the Kurds, victims of Saddam's chemical weapons and a dark history of oppression, appeared much more likely to back the purge than those who had never experienced the horror of chemical fallout. Another explanation may simply be that the Kurds had less exposure to the contrast of survival Baathists and Saddamists. The imposition by foreign powers of a no-fly zone over Kurdistan after the first Gulf War kept Baathist tendrils from permeating into the Kurdish region as they did in other parts of Iraq. While most Iraqis dealt with Arab Baathists on a daily basis, it is conceivable that many Kurds did not come into contact with them regularly.

Finally, the report outlines the reasons for becoming a survival Baathist. A quote from an Iraqi living in Najaf summarizes the reasons succinctly:

I mean, we are students and youths with ambition. You aspire to complete your studies at an institution of education or the college of science. Then you want to be the manager of the hospital, but you need to be highly ranked in the party...The party must approve the salary in an industry...and thus you, an ambitious youth, are forced into interaction with them and abiding by their orders (36).

Many Iraqis had little choice but to join the Baath party to advance in society. This demonstrates the importance of distinguishing between survival Baathists and Saddamists. In spite of the push from certain ethnic/sectarian groups to blur the line between these two camps, this survey demonstrated trends of native Iraqis acknowledging the necessity for distinction.

#### *IV. De-Baathification by the Numbers*

What were the actual affects of 2003 de-Baathification? As previously stated, US intelligence services estimated that de-Baathification would target the top 1% of the Baath party, roughly 20,000 of the 2 million Baath party members that existed in 2003. Most statistics regarding de-Baathification in its first year blur the line between Bremer's initial version and that of the HNDC, activated six months later. The report produced by the same groups that conducted the aforementioned surveys claimed an estimated 30,000 individuals were dismissed in 2003, including 6,000-12,000 educators (Stover et al. 20). These numbers came from a press briefing conducted by Bremer himself in late November 2003, so it is likely that they did not take into account the full-scale de-Baathification that was simultaneously being conducted by the HNDC. Other estimates placed the total number of terminations from the original implementation between 35,000-50,000 and at 100,000 after Chalabi gained control (Ferguson 156).

Regardless of the difficulties in establishing accurate numbers, the report raises an important distinction between Iraqis in general and educators. This second category, which applied not only to school teachers but technical staff in ministries and civil servants, were mostly left alone by Bremer's de-Baathification but were targeted heavily

by Chalabi's HNDC. An article published in 2010 claimed 16,000 teachers alone were dismissed by de-Baathification. The highest estimate I have found, published in 2010, claimed that 85,000-100,000 total personnel were dismissed, 40,000 of them schoolteachers (Pffifner 79). This estimate was clearly taking into account de-Baathification in full rather than Bremer's version alone.

De-Baathification also affected businessmen who had dealt with Saddam's Baath party. This economic de-Baathification received far less coverage than the main policy, and as such no official statistics are available on how far it reached. Ahmad Chalabi pursued economic de-Baathification as early as September 2003, seeking to confiscate from businessmen goods that had been obtained from deals done with the Baathists and to prevent those businessmen from doing business in Iraq in the future. As this was not the main effort of de-Baathification, it is likely that this intent mostly fizzled after 2003.

#### *V. Fallout Between Bremer and Chalabi*

Economic policy produced a limited agreement between Bremer and Chalabi, both of whom believed in privatizing most of Iraq's industries.<sup>14</sup> Throughout Bremer's memoir, it is apparent that he liked Chalabi for his economic ideals and not for much beyond those. Tensions between the two came to a head after Chalabi became more vocal about his opposition to continued CPA rule.<sup>15</sup> Bremer had not agreed to turn Iraq over to the Iraqis, a great annoyance to Chalabi. The issue that finally led to the fallout between

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<sup>14</sup> Bremer's approach in Iraq was generally free-market oriented. Some criticized his economic policies for favoring foreign investment, particularly that of the US, rather than fostering a native Iraqi private sector.

<sup>15</sup> Chalabi did not protest the presence of US troops, however. He sought an Iraqi-run government with US provided security.

them was suspicion of INC conducting corrupt business deals, specifically the illegal obtainment of state property from the Finance Ministry. After an Iraqi judge issued a search warrant for the INC offices, the Minister of Finance sent a letter to the judge ordering him to stop the investigation. Bremer cancelled the order and allowed the investigation to continue, offering coalition support after the Iraqi judge requested it. Chalabi's house was raided along with the INC offices, but nothing incriminating was found. Outraged at what had happened, Chalabi claimed he was being investigated because of his zeal at removing Baathists from office and for his opposition to US occupation (Bremer, "My Time" 363-364), though it is important to note that the investigation was an Iraqi initiative and that the CPA only got involved once it was underway. After the raid, Chalabi broke off relations with Bremer and the CPA and instead looked for alliances with other Iraqi leaders, covered in the following chapter.

#### *VI. Section Conclusion*

Why, in spite of public opinion, US intentions, scholarly research, and general logic, did Ahmad Chalabi insist on absolute de-Baathification? It is telling of his intentions that he seemingly ignored these persuasive elements. Recalling his op-ed pieces of the late 1980s/early 1990s, it is obvious that Chalabi held an immense hatred for Saddam's regime and the tacit support the US had offered that regime prior to the first Gulf War. By the time he had managed to take control of the Higher National De-Baathification Commission, Chalabi had alienated many of his former US allies who backed his original plans to purge Iraq of Baathists elements. Perhaps it was a result of personal vendetta against the party of Saddam Hussein, against whom he had been

working for the better part of a decade and a half,<sup>16</sup> which drove him to a policy that so readily dispatched with Saddamists and non-Saddamists alike. It is important to recall, however, that Saddam had co-opted a sizable number of Shiites into his Baath party, albeit mostly in the low-ranking, easily controllable positions, and that Chalabi's de-Baathification most certainly expelled thousands of Shiites from their positions along with the Sunnis Baathists. At best, Chalabi can be described as the orchestrator of an equal opportunity Baathist purge, willing to vilify and campaign against anyone who had ever been suspected of cooperating with the Baath regime. In spite of the early association of de-Baathification with de-Sunnification, the truly sectarian nature of de-Baathification had yet to emerge. Chalabi, like Bremer, appears to be most at fault for laying the groundwork for the policy as it would become in the following years.

Chalabi never hid his intentions in relation to de-Baathification. Even the term that Chalabi coined to denote de-Baathification, "Ijtithath al-Baath,"<sup>17</sup> which translates literally to "uprooting of the Baath," is telling of what he wanted to do with the policy. The most perplexing element of this stage of de-Baathification is how Chalabi gained control of the policy from Bremer. When questioned about it, Bremer admits that he made a mistake in handing control to the Iraqi Governing Council instead of some sort of judicial body, but he denies transferring policy control directly to Chalabi. That, he said, was a decision of the Governing Council (PBS, "Key Controversies"), the members of which were appointed personally by Bremer. Bremer is not the only official to admit that

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<sup>16</sup> Though this depends on whether one believes Chalabi was using his banking empire in Petra to counter Jordanian support of Saddam throughout the Iran-Iraq war of the 1980s as his family claims he did. This would lengthen his fight against Saddam by another decade or so.

<sup>17</sup> Interestingly, by the time I was deployed to Iraq in 2008, de-Baathification was commonly referred to in Arabic solely as "ijtithath," "uprooting" in English.

it was a mistake to allow Chalabi to take control. Walter Slocombe, former Under Secretary of Defense for Policy and Senior Advisor for Security and Defense to the CPA, said that it was a mistake to put Chalabi or anyone from the exile community into a position that wielded so much influence over sectarian politics (Ferguson 157).

When the CPA took control from Garner's OHRA, it became clear that the exiled-Iraqi-run provisional government envisioned by Chalabi would not come to pass. (PBS, "Interview: Chalabi"). The resulting governing body was, for all intents and purposes, a US governing body. But where Chalabi failed in convincing the US to immediately establish his provisional government, he succeeded in making the case for a form of de-Baathification. And so, after years of struggling to gain influence and band together exiled Iraqi opposition forces, Chalabi watched as Bremer initiated de-Baathification on May 16, 2003. Through clever manipulations, it was not long before Chalabi was controlling the policy himself, expanding its scope and pursuing his stated agenda of absolute de-Baathification.

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## **Chapter 5**

### **The Third Stage of De-Baathification (2004-2011): Sectarianism**

Far from ending in 2003, de-Baathification has continued to affect Iraqi politics until the present day. Just as it underwent shifts within its first six months of implementation, the policy underwent regular metamorphoses as Iraq moved forward under coalition forces occupation. To analyze these shifts, I first examine Bremer's last order in Iraq, which attempted to weaken the de-Baathification agenda. I then look at the opinions of Ayad Allawi, the first interim Prime Minister after the CPA departed and a fierce critic of de-Baathification as implemented, and then at the roles played by members of Dawa, SCIRI, and the Sadrists, Iraqi Shiite parties that were introduced in Chapter Two. I demonstrate how each of these Shiite parties benefited from de-Baathification while simultaneously constructing a platform for it to continue through a skewed 2005 general election and the drafting and ratification of the Iraqi constitution later that same year. I then move to 2008 to the formation of the Accountability and Justice Commission, an innovative piece of legislation that was ostensibly designed to curb the powers of de-Baathification but that actually ended up giving it a robust second wind. This analysis culminates with the 2010 national elections, in which Chalabi and his allies attempted to ban 500 alleged Baathists from running. As we shall see, Bremer's decisions in 2003 had consequences that would far outlast his tenure in Iraq, setting in motion a self-perpetuating policy, used increasingly to pursue sectarian advantage.

#### *I. The End of the CPA*

Although the Higher National De-Baathification Commission was established in August 2003 and was officially recognized by the CPA in November 2003, it was not

until January 2004 that it started actively pursuing its Chalabi-driven agenda of wholesale Baathist removal. In a press conference in early January, Chalabi outlined the goals of the HNDC. He claimed that until that point, roughly 28,000 employees had been removed from their positions as a result of de-Baathification and estimated that another 30,000 or so still needed to be removed (Hatch 106). Bremer and the CPA, which had abruptly severed positive relations with Chalabi, repeatedly denied Chalabi's estimate of the number that still needed to be removed. Bremer and Chalabi engaged in a media battle, with Chalabi claiming publicly that any scaling back of the de-Baathification program would drive Iraqi Shiites to Muqtada al-Sadr, a possibility the US feared more than nearly anything else. Douglas Feith, Under Secretary of Defense for Policy from 2001-2005 and a long-time champion of de-Baathification, defended Chalabi by stating that rolling back de-Baathification would "undermine the entire moral justification for the war" (Pfiffner 79).<sup>18</sup>

The CPA's last attempt to minimize the scope of de-Baathification came with its final order, issued on the 28<sup>th</sup> of June 2004. The order was not directed solely at de-Baathification, which is mentioned merely four times in the 21-page document, but it is still significant in that it exposes Bremer's clear regret in enabling Chalabi to wield de-Baathification as a tool of retribution. The order, entitled "Transition of Laws, Regulations, Orders, and Directives Issued by the Coalition Provisional Authority," rescinded in its entirety CPA Order Number 1, the initial document that called for the de-

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<sup>18</sup> Chalabi and his supporters fought this media campaign viciously. At one point, Chalabi exclaimed in a press conference that reducing the severity of de-Baathification would be like letting the Nazis back into Germany after the Nuremberg trials – a comparison that fails to make his point considering that many former Nazis were indeed allowed to work again in post-WWII Germany.

Baathification of Iraqi society, and CPA Order Number 5, which detailed the establishment of the original council responsible for de-Baathification. Finally, it stated that all authority delegated to the HNDC under CPA Memorandum Number 7 should be withdrawn once the Iraqi Interim Government established the Independent De-Baathification Council (Bremer, Order 100). The inclusion of the word “independent” is consistent with Bremer’s admission of mistakenly handing de-Baathification to a biased, partial committee. With this order, the CPA effectively dissolved itself and transferred authority to the Iraqi Interim Government, the body responsible for Iraqi governance until the Iraqi Transitional Government was formed after the first set of post-Saddam parliamentary elections in January 2005.

## *II. De-Baathification from 2004-2007*

Iraq experienced a trying period from 2004 to 2007. With the departure of the CPA in June 2004, the US relinquished some of its control of Iraqi politics, though the presence of coalition forces would continue to dominate much of the Iraqi landscape for years to come. During these years, Iraq saw a number of important, well-known developments, including a deteriorating security situation and the near outbreak of sectarian civil war. Underlying each of these issues was the continuation of the power shift from Sunnis to Shiites. This shift, started by the original de-Baathification order of May 2003, was readily apparent in the outcome of Iraq’s post-Saddam elections. Each of the major Shiite political groups, including Dawa, SCIRI, and the Sadrists played a role in these post-Saddam politics. This section does not intend to fully analyze the developments surrounding these diverse groups in this time period; rather it focuses on

how de-Baathification facilitated the rise of these groups and how they would in turn affect the future of that same policy.

When the CPA departed Iraq, it left the country in the hands of the Iraqi Interim Government. Ayad Allawi, a former Baathist himself, became Prime Minister during the short lifespan of this governing body. Allawi's power was limited as he was largely seen as a caretaker rather than a powerful leader (Tripp 293). Allawi had a complex relationship with Ahmad Chalabi, and had been an on-off member of Chalabi's Iraqi National Congress since its formation in the early 1990s. Allawi, a secular minded Shiite who had spent decades in exile, shared many similarities with Chalabi. The two anti-Saddam, secular Shiite leaders competed for support in their campaigns to overthrow the Baath regime (when Chalabi's 1995-96 incursion failed, the CIA switched their support to Allawi and his political bloc, the Iraqi National Accord). They had their ideological differences, de-Baathification being one of the most salient among them. Instead of de-Baathification, Allawi proposed general amnesty except in cases where violations were blatant, such as crimes committed by "terrorists or serious criminals" ("Iraqi Ex-PM"). From an early point, Allawi expressed his displeasure with Chalabi's ideas for a wholesale purge, perhaps in an attempt to ally himself with Sunni politicians and constituents, and when he became Iraq's first post-Saddam Prime Minister, he attempted to use his influence to limit Chalabi's operation, "continuing the confusingly named 'de-de-Ba'athification' process started in the last months of the CPA" (Tripp 293). Allawi continued working against Chalabi for years after his brief stint as Prime Minister, believing that Iraq was moving in the wrong direction. In a 2007 interview, Allawi stated:

Today, we are further than ever from national reconciliation. The ethnic-confessional cleansings continue, especially in central Iraq and Baghdad. The

exodus and expulsions of Iraqis has taken on a dimension not seen since the founding of modern Iraq in the 1920s. De-Baathification has become a settling of scores with political opponents. (“Iraqi Ex-PM”)

This was significant in part because Allawi himself was a Shiite, therefore not a member of the sect targeted most heavily by de-Baathification. His criticisms, however, had little effect on halting the process of de-Baathification, which Chalabi continued to expand and to defend aggressively (Stover et al. 21). Regardless, as a fellow secular Shiite and former exile with similar ideological background, Allawi represented an important counterbalance to Chalabi.

Further Shiite dominance of a more religious variety was ushered in through Iraq’s first general election, held in January 2005. The elections returned skewed results due to a massive Sunni boycott. The United Iraqi Alliance (UIA), the political bloc that emerged as the clear victor, was a coalition dominated by the Shiite parties Dawa and SCIRI that also enjoyed support of the influential Shiite Ayatollah Sistani (Tripp 296). The notable holdout from this grouping of Shiite powers was the Sadrist bloc, headed by Muqtada al-Sadr, son of the slain Muhammad Sadiq al-Sadr, killed by Saddam Hussein in the late 1990s. Muqtada al-Sadr commanded the allegiance of some of Iraq’s poorest Shiite groups, thanks in large part to extensive welfare networks constructed by his father throughout the 1990s. Regardless of Sadr’s lack of support, the Shiite coalition managed to establish itself as the dominant force in Iraqi politics, with a Kurdish coalition in distant second. It is important to point out that the success of this Shiite coalition was due in part to Chalabi’s aggressive version of de-Baathification, which had removed most serious Sunni opponents from their positions and consequently from the tickets on which they might have campaigned during the 2005 elections.

The rule of the UIA saw two significant developments that advanced Chalabi's de-Baathification: the drafting and ratification of the new Iraqi constitution and the continued purge of old regime officials. In a sort of unofficial continuation of de-Baathification, the powerful Shiite coalition, led by Dawa's Ibrahim al-Jaafari, purged civil servants and those favored by the old regime from government positions, replacing them with Shiite leaders. A SCIRI member who became the Minister of Interior "lost no time in installing his own partisans within it and its proliferating intelligence and security forces" (Tripp 297). The Ministry of Defense was given to a former Sunni Baathist, but as there was virtually no Sunni representation in the government and therefore very little support for any Sunni-driven policies, he effectively became a pawn in the transition of control over the security forces to Shiites and Kurds. These policies extended well beyond the Ministries of Defense and Interior, permeating many levels in government. As Charles Tripp, a historian of Iraq, notes, "the same pattern of patronage and favouritism, whether on personal, political or communal grounds, was repeated at various levels across many of the ministries" (297).

The second development that simultaneously benefited from and furthered de-Baathification was the anti-Baath language used in the new Iraqi constitution. In keeping with the precedent set forth by the CPA and various de-Baathification commissions, the new constitution stated:

No entity or programme, under any name, may adopt racism, terrorism, the calling of others infidels, ethnic cleansing, or incite, facilitate, glorify, promote, or justify thereto, especially the Saddamist Baath in Iraq and its symbols, regardless of the name that it adopts. This may not be part of the political pluralism in Iraq" ("The Baathification and De-Baathification of Iraq").

Although this statement did not directly advocate de-Baathification, it did state in no uncertain terms that Baathist ideology would not be allowed a voice in future Iraqi politics. To an extent, the inclusion of this clause is understandable. Saddam's Baath party had stoked sectarian tensions for decades prior to the US invasion, and it made sense to ensure that a similarly brutal force could not come to power. Unfortunately, the language used in the constitution echoes that of Secretary Rumsfeld's unequivocal note to Ambassador Bremer on how post-Saddam administration must "actively oppose...the Baath Party" (Rumsfeld 2), which, when accompanied with the original de-Baathification order, sparked a massive purge. This constitution, constructed by Shiites who owed a good deal of their power to the effects of de-Baathification, solidified the intent of this same policy by permanently outlawing the Baath party. This cyclical process helped ensure that the Chalabi-run Independent De-Baathification Council would continue to operate, though it would not be until 2008 that its next great purge would take effect.

By the time the constitution was ratified, another general election had taken place in December 2005. This time, Muqtada al-Sadr, along with SCIRI and Dawa, backed the United Iraqi Alliance, though the coalition did lose some support from less powerful Shiite parties. These elections brought to power Nuri al-Maliki, a long-time member of Dawa and a member of Chalabi's de-Baathification committee from 2003-2004 ("Iraq Arrests"). 2006 also saw a sharp escalation in sectarian violence, rooted in tensions over the shift in power from Sunnis to Shiites and growing dissatisfaction with the presence of the coalition forces. As there were only relatively insignificant developments to de-Baathification during this time, such as minor changes in the structure of the council, I have chosen to jump to the next period when there were major developments, 2008.

### *III. The Accountability and Justice Commission of 2008*

The Accountability and Justice Commission (AJC)<sup>19</sup> was created out of the Law of the Supreme National Commission for Accountability and Justice, passed unanimously by the 143 of 275 members present in parliament on January 12, 2008. The law was part of an attempt to update de-Baathification measures, seeking to mediate between demands of Sunnis and the United States on one side and those from certain Shiites on the other. In the years preceding 2008, a growing number of Sunnis and members of the international community began calling for the reintegration of former Baathists who were fired for unjust reasons, a common example being the 10,000-plus teachers who were generally accepted as having been fired despite possessing only nominal Baathist ties. These calls for reintegration angered this select group of Shiites, including Ahmad Chalabi and Muqtada al-Sadr and his political bloc, who saw the Accountability and Justice Law as undoing the progress made by rigorous de-Baathification. These hardline Shiites also renewed calls for compensation for victims of Saddam's Baath party, attempting to highlight the damage the Baath party had done. In the early stages of the legislation, it was this group of Shiites who protested the loudest. However, tweaks to the law that favored their interests eventually bought their compliance.

The law made a few important changes to the manner in which the Iraqi government treated former Baathists. The de-Baathification law as implemented by the CPA and carried out by the succeeding Iraqi government barred the top four of six Baathist ranks from employment and completely removed their pensions. The new law

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<sup>19</sup> At times referred to as the Justice and Accountability Law and its resulting commission as the Justice and Accountability Commission or Commission for Justice and Accountability, depending on translation.

reduced this to the top three levels, which theoretically allowed roughly 30,000 formerly dismissed employees to return to work (Moore), an idea strongly supported by those who sought reintegration. It also allowed for the reinstatement of pensions to any Baathists removed from office not been directly convicted of crimes. The law, however, also managed to increase the scope of de-Baathification by preventing former Baathists of any rank from holding any position in the civil service, specifically the critical ministry positions. The way in which this was written into law left “civil service” open to interpretation, meaning that whoever took charge of the commission formed by the law would have a great deal of power in deciding who was allowed to work and who was not. It was this alteration to the law that brought the hardline Shiites on board.

The main issue with this law was the powers that it vested in the AJC, which became responsible for continuing to purge former Baathists at the same time as it was to oversee the rehabilitation process. As the law dictated that no former Baathists were allowed to be on this commission, it is easy why the purging duties were given far more attention than was the rehabilitation. This led Salih al-Mutlaq, a secular Sunni politician who had been harassed by de-Baathification in the past, to refer to the law as the “Accountability Without Justice Law” (“Iraqis OK Bill”). As we shall see, these conflicting interests brought about a harsher version of de-Baathification than had been realized since 2003.

Another pervasive issue with the law was the insistence of focusing on rank-based dismissal, an issue that had first been raised after the CPA’s original implementation in May 2003. By identifying those who would be barred from employment based on rank, the law failed to take into account the difference between survival Baathists and

Saddamists by making a broad assumption that past a certain rank, loyalty to Saddam was an imperative. This assumption was especially problematic in relation to the portion of the law that barred all civil servants of any Baathist rank from employment. This, more than any other element of the evolving process of de-Baathification, was the true embodiment of the term Chalabi coined for de-Baathification back in 2002, “ijtithath” or “uprooting,” as it opened the flood gate on who could be dismissed.

Perhaps the most problematic element of the AJC was that Chalabi was its chairman, just as he had been the head of the original Iraqi De-Baathification Commission and the Higher National De-Baathification Commission. One begins to understand at this point that Chalabi was not only involved in, but was usually the driving force behind every step of de-Baathification until this point, from inception to revival, though other Shiite politicians had started playing accompanying roles. A 2010 interview demonstrates that his resolve had not diminished over time:

The Ba‘th Party is seeking to have a foothold in the political process in order to gain legitimacy. Once it gains a foothold at the Council of Representatives and other political institutions, it will try to repair its situation; regroup its followers, especially in the Armed Forces which have been joined by many Ba‘athists based on the US-backed reconciliation; restore power; and surround itself by loyalists (“Iraq’s Ahmad Chalabi interviewed”)

In the same interview, Chalabi discussed his general distrust of the Baath party, citing documents of its founder, Michael Aflaq, who allegedly stated that conspiracies are inherent in the Baathist way of life.

It is ironic that Chalabi seemed increasingly conspiratorial himself as he defended his aggressive campaign of de-Baathification. More than ever, Chalabi seemed to resort to rhetoric to advance his campaign rather than demonstrable facts. The Baathists in the

Armed Forces that he referred to, for example, in part referenced the Sahwa al-Iraq, also known as The Awakening, a movement that was responsible for many positive security and political developments starting in 2007. The Sahwa was a collection of Sunni fighters, most of them from tribes in the western al-Anbar province, which originally joined the insurgency against the US, in part because many were removed from employment by de-Baathification. After experiencing large economic losses and becoming disillusioned with the insurgency as a result of uncontrolled al-Qaida violence, the Sahwa allied with United States, which paid their salaries and provided other forms of support, and sought integration into the Iraqi Security Forces. The Sahwa are arguably one of the best examples of Baathist rehabilitation, and it is telling of Chalabi's bias that he would use them as an example of what de-Baathification still had to eliminate.

#### *IV. The New Champions of De-Baathification*

The direction participation of the Sadrist bloc in this campaign against the AJC marks an important shift in the driving forces behind de-Baathification. In its infancy back in 2003, it was clear that the champion and chief orchestrator of de-Baathification was the secular-minded Shiite Ahmad Chalabi, who was aided and supported by certain US officials, most notably Paul Bremer. While this original de-Baathification did receive support from non-secular Shiite groups, they mostly allowed the process to unfold without direct intervention. Certainly, religiously oriented Shiites did help to de-Baathify Iraq, as demonstrated by Nuri al-Maliki's position on the original de-Baathification committees, but evidence suggests that they did not feel the need to push the process beyond what the CPA and Chalabi were already accomplishing. After all, why meddle

with a process that was already eliminating your rivals while you sat back and watched it unfold? The level of support for de-Baathification from these religious Shiite political parties increased as Iraqis took control of their country from the CPA, demonstrated by the language of their constitution and their continued purges, both covered in an earlier section. Yet even at this stage, the tenacious Chalabi remained the most outspoken defender of de-Baathification, routinely defending his views in interviews with western media outlets and advancing his cause through his Independent De-Baathification Council.

It was not until religious Shiites in government were confronted with the AJC and the potential for the reinstatement of former Baathists to government positions that they began to take a greater, arguably a more influential, role in defending de-Baathification than Chalabi himself. While Chalabi's role in de-Baathification was not necessarily decreased, it was diluted by the addition of powerful Shiites groups that now openly backed his cause. The mantle of sectarian retribution via political purge was now being shared with groups that were all too familiar with the power that comes from pushing a sectarian agenda in other forms, such as the Shiite death squads supposedly linked to Prime Minister al-Maliki or the thuggish insurgency run by Muqtada al-Sadr. De-Baathification laid the groundwork for a sectarian rather than unified Iraq, and here that negative consequence would be realized to its fullest extent. After the brutal sectarian conflict of 2006-2007, some Shiite groups saw it as more important than ever to keep Sunnis, particularly those with potential links to the Baath party, from making their mark in post-Saddam politics. Although al-Maliki in late 2008 and 2009 appeared to command respect across sectarian lines in a revived spirit of post-conflict nationalism (Visser), the

seeds for a counter-revival of sectarianism were being sown not only by the Sunni insurgents who continued to bomb Shiite strongholds but by the Shiite groups who were too bitter to embrace reconciliation. The passing of the AJC, which was supposed to reverse the more detrimental effects of de-Baathification, ended up as a windfall for those with a sectarian agenda. By the time this happened, Chalabi no longer had to direct the process alone.

The AJC allowed de-Baathification to become more sectarian than at any other point in its existence. The support of Muqtada al-Sadr, a theologian with weak religious credentials who nonetheless commanded an escalating level of religious authority, lent religious sanction to Chalabi's agenda. This was exacerbated by the growing influence of Iran. As Reidar Visser, a renowned expert on Iraq, wrote,

[In] May 2009, with President Obama in the White House, Shiite Islamists who had been marginalized by Mr. Maliki in the local elections regrouped in Tehran. Their aim was a purely sectarian Shiite alliance that would ultimately absorb Mr. Maliki as well. The purging of Sunni officials with links to the former government, known as de-Baathification, became their priority (Visser).

With ever-increasing support from hardline Shiites, the stage was perfectly set for the newly formed AJC, still under the command of Chalabi, to initiate its first major purge.

#### *V. The AJC Takes Action*

The AJC's main contribution to de-Baathification came in the run up to the 2010 national elections. The commission, which was operating under a one-year advisory mandate that had not been officially renewed by parliament, released a list of 511 out of roughly 6,500 candidates that it claimed to be Baathist, thereby prohibiting them from running for election. If one recalls the language used in the Iraqi constitution that clearly

outlawed the Baath party from Iraqi politics, it is obvious why these claims by the AJC were taken seriously. The trouble with the AJC's claim, however, was that many members on the list appeared to have had only ephemeral or nominal ties to the Baath party, recalling the issues with de-Baathification in 2003 and 2004. Jalal Talabani, then and current President of Iraq, raised the issue himself, stating, "I've sought the opinion of [the] President of the Supreme Judiciary Council and Chief of the Federal Court Justice...on the legitimacy of the commission...We question whether the commission has a legal existence because the parliament did not approve it" ("Iraqi Pres Raises"). Parliament had in fact approved the commission in 2008, but Talabani is referencing the fact that the commission's mandate had not been renewed in 2009, thereby bringing into question its overall legitimacy. In addition to the expired mandate of the commission, its leadership was also questionable. Not only did Ahmad Chalabi chair the commission, but the position of executive director was filled by Ali al-Lami, "who spent some time in a US-run prison in Iraq on suspicion of being an important commander of an Iran-backed group" ("De-Baathification Ruse").

There were conflicting reports about the makeup of this group of barred candidates, though nearly all sources claim that the majority of these candidates were Sunni ("Iraqi Elections"; al-Istrabadi), with approximately 40% of the candidates being Shiites. Conversely, a small number of sources, such as those that quote General Petraeus, then the Commanding General of US Central Command, claimed that 55% of the barred candidates were in fact Shiites ("De-Baathification ruse"). From this mix of statistics, we can assume that the list contained Sunni and at least some Shiite candidates. Also important, sources seem to agree that all of the candidates from the banned list were

from secular parties. The makeup of this list certainly has important implications for the intentions of the AJC. If one were to look only at General Petraeus' claim, it could be surmised that the AJC was not a sectarian-driven body and was in fact only concerned with routing Baathists from Iraqi politics. This would be a misguided and optimistic view of the AJC and serves as good example as to why it is important to view de-Baathification as a whole rather than to extrapolate from very specific happenings. Even so, the fact that only candidates from secular parties were targeted further demonstrates that control of de-Baathification was continually shifting away from Chalabi and into the hands of religious-minded politicians.

If one follows the next actions of the AJC, the intent of its members becomes quite clear. After this highly controversial list was released, parliament organized a seven-man panel to investigate the claims made by the AJC. Salih al-Mutlaq, one of the Sunni candidates barred from running, spearheaded the opposition to the decision to bar the candidates. After a series of appeals, 53 of the 511 banned candidates were eventually allowed to run in the election. The confusion caused by the AJC's list and the lingering suspicion of ulterior motives led to a campaign to shut it down completely. In May 2010, Iraqi politicians reached an agreement to close the AJC down, with President Talabani claiming triumphantly, "It's stopped. There will be no more" (Shadid). Yet the AJC refused to close. When the elections results showed that the list of Ayad Allawi, a former Baathist and Chalabi's rival, had won with a mere two seats over the list of Nuri al-Maliki, who, as we recall, had himself served on a de-Baathification committee, the AJC attempted to retroactively bar members of Allawi's list based on alleged Baathist ties, which would effectively offer the victory to al-Maliki. The AJC's attempt failed, due in

large part to the AJC's obvious lack of legitimacy after its actions of the previous year. After breaking the world record for time taken to form a new government ("Iraq breaks record"), the Sadrist bloc formed a coalition with al-Maliki's political party, keeping him in power in the stead of Allawi.

The fact that the AJC's threat was ignored and its power temporarily curtailed did not mean that de-Baathification had come to an end. It continued its mission, even though it never received an official extension to its mandate. Ali al-Lami, the controversial executive director, was shot dead by unidentified, but probably Sunni, gunmen in May 2011, likely due to his aggressive actions as the director of the AJC. As 2011 progressed, the shift of control of de-Baathification from Chalabi to other political players continued, seemingly reaching as high up as Prime Minister al-Maliki.

In just one week in late October 2011, Iraqi security forces arrested more than 600 alleged Ba'athists in every region except the autonomous state of Kurdistan. (Al-Maliki justified the detentions by claiming that Libya's transitional government had given him evidence of a Qaddafi-supported Ba'ath Party plot to overthrow the Iraqi government.) That same month the government seized control of the University of Tikrit, where 140 professors and administrators were fired. A leaked U.S. diplomatic cable from Feb. 28, 2010, meanwhile, revealed that al-Maliki replaced more than 100 supposed Ba'athists with Dawa Party cadres in senior commands at the National Information and Investigation Agency (NIIA), Iraq's equivalent to the FBI (Woods 5).

De-Baathification, for the time being, seems as though it is here to stay.

## *VI. Section Conclusion*

The years 2004 to 2011 saw a number of major developments to de-Baathification. On one hand, prominent politicians such as Ayad Allawi worked to curb the effects of de-Baathification. On the other, as sovereignty was transferred to Iraqis

from the CPA, Shiite groups took advantage of the Baathist-free landscape that Bremer and Chalabi had created for them while simultaneously ensuring that a new form of de-Baathification would continue to eliminate their opponents. The Accountability and Justice Commission was seemingly formed to satisfy both of those ideals, reinstating Baathists who had not been Saddamists while expanding the legal scope of de-Baathification to eliminate the remnants of Saddam's old guard. The AJC's controversial list of banned candidates caused uproar throughout the 2010 elections, and represented a more sectarian version of the policy than had previously been seen. And all the while, power over the policy gradually shifted from Chalabi to more religious-oriented Shiites such as Muqtada al-Sadr and Nuri al-Maliki, who would blatantly use the policy to advance their sectarian causes.

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## **Chapter 6**

### **Conclusion**

Of all the initiatives started by Paul Bremer's Coalition Provisional Authority after the US invasion of Iraq, de-Baathification was certainly one of the most transformative. A long, dark history of Baathist oppression had shattered Iraqi prosperity and brought to the forefront deep sectarian tensions. While Saddam Hussein did persecute fellow Sunnis, there is no question that Iraqi Shiites and Kurds received the brunt of his domestic brutality. The resentment that Shiites harbored against Baathist rule spilled over into a number of protests and shades of opposition, spawning the Dawa party, SCIRI, and a growing Sadrist trend. Throughout the 1980s and 1990s, the growth of the opposition was met with increasingly violent suppression.

At this same time, Ahmad Chalabi was devising his own overthrow of Saddam, envisioning a free and democratic Iraq. He called together the Iraqi opposition parties and gave them a platform from which they could work together, the Iraqi National Congress. Chalabi lobbied for monetary and ideological support from the US intelligence services and Congress, using his silver tongue to win a Western audience that bought into his stories of how Iraq could be won. The ever-capable Chalabi fused an idea on which all Iraqis who had suffered under the heel of the Baath regime could agree with an ideology that the US could use to support its mission in Iraq: de-Baathification. As the CPA took control of Iraqi affairs, Chalabi was allowed to take control of the same policy he had concocted, wielding it to political advantage, pushing out anyone whom he perceived as a remnant of the old regime.

Although the CPA and the first post-Saddam Prime Minister tried to curb Chalabi's power, it continued to increase, gradually becoming the tool of choice of

powerful Shiite groups hostile towards Sunni counterparts after a bitter, drawn out sectarian conflict. By the time of the 2010 elections, de-Baathification was in the hands of the political elite, and in 2012, it is hard to imagine what it would take to remove this policy from those who cling to it with such tenacity.

Perhaps the most remarkable feature of de-Baathification is how little it has actually changed over the course of the years beyond the first transfer of authority from Bremer to Chalabi. It has certainly evolved, but both its core tenants and the methods by which it operates were nearly identical in late 2003 and 2008-2009 as they also appear to be in the present day. In each past instance, de-Baathification was sold as an unbiased policy that sought only to remove poisonous officials that clung to the ideology of their disposed and generally hated leader. And in each past instance, this sensible intention was marred by the political, increasingly sectarian motives of those in command of the policy. It took time for the sectarianism of de-Baathification to reveal itself as it did with the AJC and beyond. Nuri al-Maliki, still the Prime Minister, seems eager to hamper his enemies by whatever means necessary. The man in whom the United States, and more importantly, the Iraqi people, have placed their trust would undoubtedly resort to de-Baathification measures in the future if it would advance his own political goals.

But this outcome was not a foregone conclusion, and therein lies the greatest lesson to be learned from the quagmire that this policy has helped sink Iraq into. Some form of de-Baathification was unquestionably necessary in post-Saddam Iraq. The Baath party needed to go, and a sensible policy that followed logical, well-researched vetting techniques could have fostered positive political development in Iraq by targeting Saddamists rather than Baathists. Even the unspoken policy of gentle de-Baathification

avored by Jay Garner, the temporary administrator of Iraq, could have helped avoid an unnecessarily brutal purge. Massive sectarian conflict was not a foregone conclusion either, at least not before unkempt de-Baathification was released upon the public sector. By properly removing Saddamists from Iraqi governance, survival Baathists with knowledge of how to run the country could have stayed in office, albeit under advisement, and helped Iraq shake off the nightmare of the past three decades and move towards a workable, optimistic future.

This may seem a rosy picture of what could have been, but a main intent of this thesis has been to demonstrate just how initially shocking and subsequently insidious an effect de-Baathification had on Iraqi society. Without this element, it is hard to say what *would* have happened, but it can be said with confidence that a proper system of transitional governance that steered clear of all-out purge would have helped Iraqis deal with sectarian tensions in a less destructive way. In other words, had the Feith-drafted, Rumsfeld-advocated, Bremer-initiated, Chalabi-orchestrated, al-Sadr-and-al-Maliki-revived de-Baathification order not been issued, the widest gate to sectarian retribution could have remained shut. And that is something, I think, that anyone with Iraq's best interest in mind could have supported.

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