

Librarians and archivists demand US return of stolen Iraqi documents

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The removal of millions of pages of Interior Ministry documents from Iraq by the American military has prompted calls from organizations and individuals in the library and archives community for their return to the Iraqi people.

These documents, many of which detail the crimes of the regime of Saddam Hussein and his predecessors, are now in the United States in the hands of the military and intelligence agencies. Others are being held by a private foundation in the US headed by pro-occupation Iraqis.

Some 43,000 to 55,000 boxes, amounting to over 100 million pages, were seized from Baghdad by British and American forces in April 2003. These included, according to the Associated Press, “memos, training guides, reports, transcripts of conversations, audiotapes and videotapes.” At the urging of Republican Rep. Pete Hoekstra, chairman of the House Intelligence Committee, then-Director of National Intelligence John Negroponte posted a few hundred on a military web site, “Operation Iraqi Freedom Document Portal,” in March 2006.

The documents were removed from the Internet in November 2006 after the *New York Times* informed the government that it was publishing an article that alleged that the documents contained sensitive information on Iraq’s pre-1991 nuclear program, sparking a momentary crisis for the Bush Administration.

At the time, little of the controversy around these documents centered on the illegality of the United States holding, accessing, and publicizing material that was the property of the Iraqi people.

Today, the whereabouts of the originals are unknown to the public, either Iraqi or American. Digitized images of these documents now reside in the computer networks of the US government, accessible to no one without clearance from the American military-intelligence apparatus.

During a speaking tour in the United States between October and December, Dr. Saad Eskander, the director general of the Iraqi National Library and Archive (INLA), the country’s main repository of historical materials, called for the return of these documents to Iraq. (See: “Iraqi archivist demands US return seized documents”).

At its midwinter meeting last month in Philadelphia, the American Library Association central council passed a resolution that called for millions of stolen Iraqi documents now in the United States to be returned to INLA.

The resolution states that these documents “represent Iraqi social memory” and that the ALA “condemns the confiscation of documents ... by the United States and British forces and strongly advocates the immediate return of all documents.” This resolution has garnered support from professionals around the world.

But, aside from the ALA’s resolution and the demands of Eskander, little has been said in the media about the legality of these documents’ seizure or their continued presence in the United States under the tight control of the American government.

Another smaller selection of approximately 11 million pages of Iraqi documents has, however, provoked intense debate in the last two months. These are held by a private group called the Iraq Memory Foundation, based Washington, DC, which has digitized them and recently arranged that the original documents be delivered for safekeeping to the right-wing Hoover Institution.

An Iraqi named Kanan Makiya, a former associate of CIA asset Ahmed Chalabi and a vocal proponent of the American invasion of Iraq heads the Iraq Memory foundation. Under the pseudonym Samir al-Khalil, Makiya published his 1989 book *Republic of Fear* depicting life in the Baathist state.

His book was seized upon by elements in American ruling circles, especially the neo-conservatives, as ideological ammunition for promoting an invasion and conquest of Iraq, both during the Gulf War of 1991 and in the lead-up to the invasion of Iraq in 2003. According to George Packer’s *The Assassin’s Gate*, Makiya sat next to Bush and wept as he watched the toppling of Hussein’s statue in Baghdad’s Fardus Square, now known to be an event staged by the US military.

Makiya returned to Iraq on the coattails of the occupation, gaining entry to venues presumably secured by the Americans. According to a feature-piece by Dexter Filkins in the *New York Times Magazine*, “Since 2003 Makiya and his small staff have scoured Baath Party offices and dungeons, adding to a collection that would reach more than 11 million pages of records.”

Makiya has said that these documents were moved to his parents’ home in Baghdad’s Green Zone with the approval of the Coalition Provisional Authority. The article continues: “In February 2005, the Memory Foundation reached an agreement with the US military to have the Baath Party documents shipped to the United States. Government contractors here could complete the digitizing process much more quickly, the foundation concluded, and Baghdad was too volatile.”

Once in the United States, the exact use of the documents is unclear. In an article discussed below, Hassan Mneihmneh, the executive director of the Iraq Memory Foundation, said that in order to have the documents transported to the US and digitized, the foundation told the American military that the documents “could be of intelligence value and that the Baath party structure depicted in them might correspond to the insurgency.”

Harvard University pulled back from a proposal to store the documents fearing, apparently, that it might break international law by

doing so. Dutch cultural heritage specialist Rene Teijgeler has noted that in 2005 he had advised a Harvard committee, on request, that “the legal owner [of the archives held by Makiya] was the Iraqi state and that at least they should contact the State Department. However, the State Department did not want to get involved.”

In a January 23 article in the *Chronicle of Higher Education*, journalist John Gravois revealed that the originals of the archives were now to be stored at the Hoover Institution at Stanford University in California. The Iraq Memory Foundation claims that it had the support of an Iraqi deputy prime minister for this transfer.

The article reported that Saad Eskander demanded the return of these documents to INLA because “they are the inalienable public property and belong in the national archive without delay.” In an interview with Gravois, Eskander emphasized that these documents belong to the Iraqi people and that “Makiya just represents himself.”

Makiya’s supercilious response was that “Baghdad is just not ready” for the return of the archives.

The article provoked an outcry among librarians, archivists, and academics. Jeffery Spurr, Islamic and Middle East Specialist at Harvard University’s Fine Arts Library, in an e-mail to the IraqCrisis discussion group observed, “That the newly-designated temporary custodian should be a private institution, and that notable bastion of conservative views, the Hoover Institution, should come as no surprise given that Mr. Makiya has perforce become a fellow traveler of the Neo-cons since he made common cause with the Bush Administration in the run-up to the invasion of Iraq. That such an institution in far-off California should consider itself the proper site for these documents as opposed to the national archives of Iraq is the height of arrogance.”

He further noted, “Dr. Eskander was rebuffed at every turn by the representatives of the IMF in Baghdad. In 2005, I myself encouraged Kanan Makiya to communicate with Dr. Eskander, with whom I had been in communication since 2004. Makiya was uninterested.”

Spurr was also critical of Gravois article, claiming that it appears to “privilege the self-serving arguments of Kanan Makiya and his colleagues, and employs quotations from Dr. Trudy Huskamp Peterson, a prominent expert on archives and international law relating to archives, in such a way as to support the plausibility of the refusal to return the originals to their proper custodian, the Iraq National Archive, and its Director General, Dr. Eskander.”

Perhaps in response to these and other criticisms, Gravois wrote a second article for the *Chronicle of Higher Education*, published on February 8. He provided some new information about the history of these archives, notably that the US Navy had held them for 21 months, and took a more conciliatory (and honest) tone, amending, for example, his representation of Trudy Huskamp Petersen. The new article quotes her as saying that when it comes to the issues of ownership of archives like those in the hands of the Iraq Memory Foundation, ownership can only be passed on by an act of the Iraqi parliament. “There’s tons of literature on this. There’s just no question.”

Nevertheless, the second Gravois article, like the first, serves to obscure the fundamental issues at hand in the removal of these documents from Iraq and their possession by Makiya’s Memory Foundation. Gravois portrays Makiya as a “liberal idealist who brought moral ballast to the case for deposing Saddam Hussein.”

While it does quote Eskander’s characterization of Makiya as “a spoiled child of the State Department,” the article frames the debate as though it were a “tug of war” (part of the title of the article) between two individuals, Kanan Makiya and Saad Eskander, equally concerned

about the documents and both determined to protect them with a “remarkably similar vision.”

This is an intellectual dodge. Makiya is not only a “spoiled child” of the State Department; he is a collaborator with the United States in the sociocide of Iraq.

As professionals in the field have made amply clear, these archives are essential for the preservation of the social memory of the Iraqi people. The “tug of war” between the two men represents something entirely different than opposing opinions on the best way to preserve a set of archives.

Makiya is a defender of the rapacity of American imperialism and its willingness to take whatever it wants from a people that it has militarily overwhelmed. To commit a “sociocide”—the destruction of an entire culture—it is not enough to kill a million people and drive millions of others from their homes. Keeping the documents out of Iraq intellectually abases the Iraq people. It goes hand-in-hand with the destruction of education at all levels, the assassination of academics, and the fragmentation of common culture by ethnic cleansing, and the looting of archeological sites.

The demand to return the documents held by the Iraq Memory Foundation, as well as the larger group in the hands of the American military, represents the desire of the Iraqi people to understand their own history and to be able to determine their destiny through accurate and truthful knowledge of the past.

It is significant that this demand has found increasing popularity among educated people in the Europe and America. But the calls for the return of the documents, including the ALA’s, while principled, suffer from political myopia. Nearly five years of the unrestrained plunder of Iraq, funded by both Democrats and Republicans, have dismembered Iraqi culture, in itself a vital aspect of the world historical legacy.

These actions call for more than appeals to return looted documents and artifacts. The US government will not relent to these pleas, any more than it did to the mass anti-war protests of 2003. Archaeological, library and archival organizations must demand that the perpetrators of these crimes—ranging from Kanan Makiya to figures at the highest levels of the American government—be tried for war crimes. It is time to consider what political strategy will achieve this goal.



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