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**HEADLINE:** Major Developments in Saddam Hussein Trial; Suicide Bomber in Israel Attacks Shoppers in Neighborhood Mall

**BYLINE:** Soledad O'Brien, Miles O'Brien, Andy Serwer, Elaine Quijano, Nic Robertson, John Vause, Gary Nurenberg, Amy Lacey

**GUESTS:** Michael Scharf, Michael Newton

**HIGHLIGHT:**

There are major developments in the Saddam Hussein trial this morning. A suicide bomber in Israel attacked shoppers in a neighborhood mall.

**BODY:**

SOLEDAD O'BRIEN, CNN ANCHOR: I'm Soledad O'Brien. Major developments to tell you about in the Saddam Hussein trial this morning. The defense team stages a walkout, gets their way eventually. Now, though, they are listening to some tough testimony. We're going to take you live to Baghdad straight ahead.

MILES O'BRIEN, CNN ANCHOR: I'm Miles O'Brien. Developing story in Israel today. A suicide bomber in Israel attacked shoppers in a neighborhood mall. At least five are dead, dozens injured. We'll go live to Israel.

S. O'BRIEN: Is the U.S. in danger of another 9/11-type attack? And important report says the government hasn't done enough to improve our security. We'll take a look at that, ahead on this AMERICAN MORNING.

M. O'BRIEN: Good morning, everybody. The Saddam Hussein trial, fits and stops, and first and stops, and it is finally under way. Actually testimony relating to what happened in Dujail nearly 25 years ago.

S. O'BRIEN: It is riveting. And to watch the first witness on the stand, who goes between being incredibly calm -- I mean, if you think about it, he's facing Saddam Hussein and all of his honchos in the regime. And he is calm at times and then also breaking down, according to some reports, as he talks about his own brother's experience.

M. O'BRIEN: At one time any one of those people in that defendant dock could have ordered the summary execution of him. And at this point, the testimony continues. And that, in and of itself, is a remarkable thing.

CNN's Nic Robertson, who has had a front row seat for much of this, joins us on the line right now. He's had an opportunity to get to a phone after witnessing a remarkable scene there in that courtroom inside the green zone in Baghdad.

Nic, what have you seen this day in Baghdad?

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NIC ROBERTSON, CNN CORRESPONDENT: Well, Miles, at moments, the witness giving testimony now has been close to tears. There were initially some very emotional outbursts when he first came into the courtroom. He was almost arguing with the judge, wanting to say so many things. Saddam Hussein tried to interfere. Saddam Hussein's half brother tried to interfere with what the witness had to say. They were both shouted down by the judge. The witness recounted what happened in Dujail the day after -- or the day of the attempted assassination on Saddam Hussein. He recalled how families were gathered up. He recalled that he was given a report that his 11-year-old sister had been shot on the street, that his brother had been captured. The intelligence, he said, police came to his house. They left him alone that evening, came back the next day, rounded him up, took him to the local Baath Party headquarters in Dujail where the assassination attempt had happened.

He recounted how there had been helicopters bombing the orchards. And he said after they were rounded up at the intelligence headquarters, people were taken upstairs. He knew torturing was going on. After that, he tells of how his whole family was taken to Baghdad to the intelligence interrogation headquarters there. He described how as he walked past one open door, he looked in a room, and he said he could see a big grinder type of machine that he described as having blood underneath it and bits of hair. He asked somebody what it was. They told him not to mention it again.

He went on to describe numerous times that he was tortured, that his family was tortured, that they were tortured, that his younger brother was tortured in -- in front of his father, given electric shock treatment. He described how one of his brothers had his leg set on fire as torture. Another brother -- another colleague inside the detention center had had his legs broken, arms broken.

Very, very graphic testimony describing the different levels of torture, as he described how women had given birth in the jail, that there had been no help from the guards. And at this point, he wanted to address Saddam Hussein telling him that the guards hadn't helped, and that babies had died in the jail. It's very, very emotional testimony at some point.

And Saddam Hussein's half-brother and Saddam Hussein both trying to interject. At one point, he describes how when they were initially rounded up in the village, that Saddam Hussein's half-brother Barzan Hassan. He said Barzan had a cowboy hat on, he had red boots, and sunglasses and a sniper weapon in his hand.

But very Graphic testimony now from the first witness. Most of the defense were, the prosecution were sitting absolutely silent listening to him.

M. O'BRIEN: It sounds mesmerizing, spellbinding.

Nic Robertson, thank you very much. We are watching it very closely -- Soledad.

We will keep getting updates on that story and bring it to you as we get them.

S. O'BRIEN: Another story we're following as well. This one's from Israel, that suicide bombing in a shopping mall. Five people reported killed now, 35 injured, happened in Netanya, which is just north of Tel Aviv.

Let's get right to John Vause. He's live for us in Jerusalem.

John, good morning to you. What exactly has been the Israeli government's response?

JOHN VAUSE, CNN CORRESPONDENT: Well, right now, Soledad, the Israeli's Prime Minister Ariel Sharon is meeting with all his security chiefs to decide what specifically Israel will do in response to this suicide bombing. We've heard from the president of the Palestinian Authority, Mahmoud Abbas, who's condemned the attack, calling it an act of terrorism, saying the perpetrators will be brought to justice.

There have been two claims of responsibility, one from the Al Aqsa Martyrs Brigade, but more credibility being put into a second claim coming from Islamic Jihad, which was actually broadcast on Hezbollah TV in Lebanon -- Soledad.

S. O'BRIEN: You know, we're looking at pictures of the damage to this mall, and the bomber never really made it inside, because I know that everybody gets checked and searched before they can go into the mall. Why do they keep targeting this mall? It's been a target before, right?

VAUSE: That's right, Soledad, three times. Twice this year, this mall has been a target, and once in 2001. There are security guards at every shopping mall and restaurants throughout Israel. No rhyme or reason why this mall is being targeted three times. There have been hundreds of suicide bombings in Israel over the last five years. The only perquisite, it seems, is there are a large number of people gathered in the one place -- Soledad.

S. O'BRIEN: John Vause with an update. John's going to continue to follow it for us throughout the morning.

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John, thanks -- Miles.

M. O'BRIEN: President Bush gearing up for a big speech on the economy today, expected to boast about upbeat economic figures at a time when his own poll figures are down.

Elaine Quijano live now at the White House.

Elaine, what are we going to hear from the president today?

ELAINE QUIJANO, CNN CORRESPONDENT: Well, good morning to you, Miles.

As you mentioned, President Bush expected to focus the spotlight today on economic developments, and also discuss the issue of tax reform when he visits a construction-machinery plant in Kernersville, North Carolina.

Now the president is set to take a tour of that plant, which happens to be a joint American-Japanese venture, and he'll make remarks to workers there. But his trip comes at a time when his approval ratings have been dragged down by Iraq, as well as high gas prices. Now even though those prices have come down recently, and analysts say there are other signs that the economy is strong, polls show that the public is not feeling that good about the economy.

In fact, the latest "Time" magazine survey showed only 40 percent of Americans said they approved of the president's handling of the economy; 55 percent said they disapprove. Mr. Bush will try to turn that around today.

And aides say expect the president to expand on comments he made last Friday in the Rose Garden, touting the latest jobs report. That jobs report showed some 215,000 new jobs created in November, and unemployment holding steady at 5 percent -- Miles.

M. O'BRIEN: There was a big loss in Iraq last week, 10 Marines killed in a roadside bombing. There's some critics this morning that were saying the president should of made mention of that in some of his public statements. What is the White House saying about that?

QUIJANO: Well, particularly after that Rose Garden event, that very question was posed to the president's press secretary, Scott McClellan. And in fact, what Mr. McClellan said that the president was briefed before he came out and appeared in the Rose Garden, but Scott McClellan also saying that the decision to talk publicly about the death of military made by the Pentagon, because, of course, there are considerations like family notification that factor into it. But, of course, Scott McClellan also saying as well, the president mourns any loss of life.

M. O'BRIEN: Elaine Quijano at the White House, thank you very much.

You can watch the president's speech right on CNN. We'll have that live at 1:15 Eastern Time, 10:15 Pacific.

Also coming up in just a few moments, we'll talk to the White House counselor Dan Bartlett and find out why there is so much focus on the economy right now.

Secretary of State Condoleezza Rice is going to hear strong complaints when she gets to Europe today. She's leaving in just a few minutes. People there angry will the reports that the CIA used secret prisons in Europe, as well as reports torture was used on terror suspects. Her trip includes stops in Germany, Romaine, Ukraine and Belgium -- Soledad.

S. O'BRIEN: An important report from the 9/11 Commission is due out today. A preview shows that the panel believes the federal government has come up short on needed changes in security. The panel also says the government may not be able to stop another attack.

(BEGIN VIDEO CLIP)

THOMAS KEAN, FMR. 9/11 COMM. CHMN.: You don't see the Congress or the president talking about public safety as number one, as we think it should be. And a lot of the things we need to do really to prevent another 9/11 just simply aren't being done by the president or by the Congress.

UNIDENTIFIED MALE: What Tom and I and the other commissioners are saying is we have to get back to a real sense of urgency about protecting the safety and the security of the American people.

(END VIDEO CLIP)

S. O'BRIEN: Commission members say the government has followed through only on one major change, and that is the naming of a national intelligence chief.

## Major Developments in Saddam Hussein Trial; Suicide Bomber in Israel Att

From New Orleans to Washington now. A long paper trail sheds light on the political chaos that left Katrina victims waiting desperately for help. Louisiana Governor Kathleen Blanco sending thousands, a hundred-thousand documents to two congressional committees who are now investigating the delays.

Correspondent Gary Nurenberg takes a look at just who or what was to blame.

(BEGIN VIDEOTAPE)

GARY NURENBERG, CNN CORRESPONDENT (voice-over): The day-by-day account posted on the governor's Web site quotes Blanco on Saturday August 27th, predicting a severe storm, and writing the president, that, quote, "federal assistance will be necessary." By Monday the 29th, after Katrina struck, Blanco was telling the president in a phone call, "We need your help. We need everything you've got."

After a helicopter tour on Tuesday, the 30th, Blanco complains about federal response. The narrative says, "When the expected and promised federal resources have still not arrived on Wednesday, Blanco places an urgent morning call to the White House, but can't reach President Bush or his chief of staff." Later that day, she does talk to the president and stresses, "The situation is extremely grave."

By Friday, the frustration level rises. She writes the president that, quote, Even if these initial requests had been fully honored, these assets would not be sufficient." She asks for firefighting support, military vehicles, generators, medical supplies and personnel and more.

Five days after one request to the White House for a shopping list of federal help, Blanco's staff gets a memo from a presidential aide saying the president never got the letter, quote, "We found it on the governor's Web site, but we need an original for our staff secretary to formally process the request."

Sunday evening, Blanco's aides told CNN that the governor personally handed the letter to the president. The White House said it hasn't read all of the documents, and is not in a position to toned.

Blanco said in one memo, "I believe my biggest mistake was believing FEMA officials who told me that the necessary federal resources would be available in a timely fashion. (on camera): There is some politics here. One of the gubernatorial aides who told CNN Sunday evening that the governor personally handed that missing letter to the president also wrote in a memo after Katrina that the Bush administration is, quote, "working to make us the scapegoats," end quote.

Months after the hurricane, avoiding the blame is for all sides, still very much a priority.

Gary Nurenberg, CNN, Washington.

(END VIDEOTAPE)

S. O'BRIEN: In the next hour, we're going to talk with former Louisiana Senator John Breaux about those documents, and also get his take on just who or what is to blame -- Miles.

M. O'BRIEN: Well, we've been telling you about an early-winter storm that is hitting the east coast. Lots of snow and ice threaten to make it a very treacherous time on the roads today.

For more, we go to Richmond, Virginia, where Amy Lacey of our CNN affiliate WRIC is bundled up, standing beside the road and telling us that it's beginning to snow there, I think.

Amy, what's it like out there?

AMY LACEY, WRIC REPORTER: It is already beginning to snow out here, Miles.

Good morning to you.

Not even official winter just yet, but already looking a lot like it here in Richmond, Virginia this morning. You can see there is a little bit of accumulation here. This, believe it or not, has happened just in the past really 30 minutes or so.

As the commute is starting to pick up this morning, so is the snow. That is bad news for all of the drivers out here. Central Virginia does not handle the snow very well. So VDOT crews have been out here all morning long. They're putting down a mixture of salt and some sand out there just to give some drivers traction.

But you see it here, and we haven't really seen anything yet. We're expecting two to five inches here by the evening commute. So Central Virginia is definitely bracing for the snow.

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Miles, back to you.

M. O'BRIEN: Amy Lacey with our Richmond affiliate WRIC, thank you very much. Drive safely there.

(WEATHER REPORT)

M. O'BRIEN: Coming up on the program, more on today's courtroom drama in Iraq. Saddam Hussein back in the courtroom. The trial is back in session after lawyers staged a walkout. Dramatic testimony under way. We'll talk to some experts who have been involved in creating this tribunal.

S. O'BRIEN: Also this morning, the president boasting about the economy now. Is it as good as he says it is? One of his top advisers is going to join us live from the White House straight ahead.

Lionel Tate might be running out of second chances. The youngest-person ever sentenced to life in prison back in court today. We've got his story, all ahead on AMERICAN MORNING. Stay with us.

M. O'BRIEN: The Saddam Hussein trial is under way. For the first time after all of the discussion, the fits, the starts, the recesses, the defense team storming out, assassinations, delays, you name it, there is actual testimony from witnesses. And, boy, is it dramatic.

Joining me now are two legal advisers to the special tribunal to talk about what has transpired, and what is transpiring. Michael Scharf, once again joining us from Cleveland. He is a law professor at Case Western Reserve University. And from Nashville, at the Vanderbilt University Law School, Professor Mike Newton.

Good to have you both with us, gentlemen.

Let's begin with you, Mike Newton, since we haven't seen you this morning.

Just watching that testimony from Ahmed Hassan Mohammed, very compelling already at the outset, and I assume that the prosecutors want to start strong? I mean, that's what any prosecutor likes to do, right?

MICHAEL NEWTON, VANDERBILT UNIVERSITY: Of course. This is exactly the kind of testimony that the Iraqi people have been waiting to hear. This is why this is a major regional event that people are paying particularly close attention to, because there are hundreds of thousands of Iraqis who would like to be able to sit in that chair to address those accused about the things that happened to them and their families.

M. O'BRIEN: He said, among other things, it is the first time an Iraqi has had a chance to confront Saddam. He speaks with eloquence. He read the names of those who were killed. He talked in very graphic terms about the types of torture that were inflicted on the people of Dujail back in 1982 in the wake of that assassination attempt.

Michael Scharf, this is the kind of testimony that, obviously, Saddam Hussein and his co-defendants did everything they could to avoid hearing.

MICHAEL SCHARF, CASE WESTERN RESERVE UNIVERSITY: Right, right. You know, the most important moment of any criminal trial is the moment where the witness points his finger at the defendant and says "ja cuse (ph)," which is French for saying, you're the one who did it, you did this to us.

Now in some of the trials before the Yugoslavia tribunal, they made, I think, a mistake by having historians begin the trial with very boring testimony, and the world tuned out.

Here they're doing it right. They're beginning the trial with testimony of somebody whose family members were injured, who was an eyewitness to these atrocities, and he is speaking for the Iraqi people, and Iraq is tuning in.

M. O'BRIEN: Michael Newton, do you have a sense of how long the witness list here is? Will we hear from numerous survivors and other victims of that Dujail massacre?

NEWTON: The reports were that they were up to 50 witnesses who have been procured from Dujail from the previous week's testimony. This is an important reason why it was important to the Iraqi officials to make the decision to keep trial where it was physically located in Baghdad, because the witnesses were there, the evidence is there. It's much easier to find the available witnesses and to fill any evidentiary gaps where they identify a particular witness or a particular issue that needs to be covered. The resources are right there to find more. So we're expecting, assuming the trial proceeds smoothly forward, up to 40 or 50 witnesses describing the kinds of things that happened in Al Dujail.

M. O'BRIEN: Michael Scharf, up to this point, the defense has been, this is an unfair tribunal, an unfair trial. They're going to have to change, aren't they? Because in some sense, don't they have to respond to these allegations specifically? And once they do that, aren't they tacitly admitting this is a fair proceeding?

SCHARF: Well, they're going to litigate that fully, but then they're going to move to plan B, which is to argue that what Saddam Hussein did was the same thing that George Bush has been doing and that the American forces have been doing throughout Iraq, which is to go into towns where there are terrorists, where there are insurgents, and to clean them out, to arrest all of the suspects and to put them in detention.

The difference here is that we're going to see that there are documents showing that people were executed without full trials, that people were tortured in the worst possible way. We're going to have harrowing eyewitness accounts of that. And there's really going to be a difficult job for the defense to try to counter that.

M. O'BRIEN: Michael Newton, it will be difficult to counter, but to specifically pin crimes on Saddam Hussein, will that be hard?

NEWTON: Well, it depends on the evidence. Remember, these are crimes against humanity. And in order to prove a crime against humanity, there has to be a showing of a systemic involvement or widespread. And this is not widespread, because it's restricted to a fairly narrow, discrete geographical area. But you've already seen the evidence showing a systematic involvement of Baathist officials walking up the chain of command, and the prosecutor made this statement in the opening statement, that they have specific death warrants signed by Saddam. So that's the kind of evidence that helps show systematic involvement, Baath officials involved at various levels and in various ways. Those are the kinds of evidence that in the aggregate produce a very clear case of crimes against humanity, because the core is a systemic attack against a civilian population, and that's exactly what this kind of evidence is tending to demonstrate.

M. O'BRIEN: All right, a systematic attack and some rather emotional testimony going on right now. Michael Scharf at Case Western, Michael Newton at Vanderbilt, thanks both for joining us once again. We always appreciate it - Soledad.

S. NEWTON: Ahead this morning, gas prices are falling.

S. O'BRIEN: Crude oil is up, gasoline is down. Latest on energy costs and what it all means. "Andy Serwer" is Minding Your Business.

Good morning.

ANDY SERWER, "FORTUNE" MAGAZINE: Good morning.

It means we could be paying a little bit more for gasoline, even though prices have been slipping over the past couple of weeks. We always tell you how gas prices lag oil prices. This might be a real case in point coming up here. Now, gasoline prices have been falling. They're now down to \$2.13 for unleaded nationwide, the average. That's 11 cents down in two weeks, lowest level since June 10th. You remember we got over \$3 a gallon nationwide in September.

But what's happening, Soledad, is that the price of oil is creeping up now. It's now up to over \$60 a barrel this morning. You can see it going up with Katrina and Rita, then down afterwards. And now going up a little bit. Why? Cold winter weather, particularly that storm that seems to be headed towards the northeast. And you know, the Northeast is the world's largest heating oil market, and so, consequently, when these storms come, the price ticks up a little bit.

That has been impacting the stock market a little bit. Futures are lower this morning. If we look back to last week, we can see a little bit of red there, a red, green and red.

And what was going on there is a little bit of a pullback, Soledad. After being up for five weeks, we are down on the Dow at least for the sixth week. And not a big change in trend there. It's just got to have a little give-back at some point.

S. O'BRIEN: All right, Andy, thank you very much.

SERWER: You're welcome. S. O'BRIEN: Still to come this morning, President Bush goes on the offensive. Can the focus on the economy turn around sliding poll numbers? We're going to talk to one of his top advisers, just ahead on AMERICAN MORNING.

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