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The CIA's Road to Infamy

A Lawless and Incompetent Agency

by MICHAEL BRENNER

December 22, 2014

Some political events mark their importance less by their content than by their timing, circumstances and presentation. That is the case for the Senate Intelligence Committee's report on CIA torture. It contains little new to the attentive observer and nothing of major consequence. It does, though, bear the imprimatur of the Senate – albeit with the abstention of Republicans. It appears at the culmination of a fierce White House campaign to prevent it from seeing the light of day. President Obama's last minute "sky-is-falling" warnings that issuing the report would endanger the nation's security was the exclamation point for a series of progressively more drastic measures that included the unconstitutional hacking of the Committee's computers by the President and CIA Director John Brennan. The administration thereby raised expectations of what the revelations contained, spotlighted the event and generally created a sense of drama for an habitually jaded public. Pervasive suspicions about this President thereby were neatly transposed onto the torture story whose actual protagonists were Bush's men. This conformed to the maladroit politics that is the President's trademark. As to timing, the country's assiduously cultivated amnesia about Iraq, Abu Ghraib, Guantanamo and all that had been lifted somewhat by ISIL's doings, the recommitment to an open-ended war in Afghanistan and the Intelligence community's abuses in the draconian spying on American citizens. This convergence of

elements meant headlines and commentary that exceeded the stipulated 24 hour news cycle – even if the MSM did their best to blunt the story’s edges and to ease it off the front pages as soon as decency permitted.

Beyond the drama created by the Report’s surviving multiple assassination attempts, what is there that should grab our attention? The CIA designed and conducted a program of systematic torture of those it suspected of being associated with terrorism. It did so at several of the notorious “black sites,” at Guantanamo and probably elsewhere in Iraq and Afghanistan. Torture was the official policy of the United States government as stipulated by President George W. Bush with the unanimous approval of his national security team – including Colin Powell. The torture program continued for years – carried out by the Army as well as the CIA. Several of those tortured were held on basis of no evidence whatsoever, something that did not shield them from abuse and imprisonment under brutal conditions.

This is damning bill of indictment. But none of it is new. For a decade we have had credible reports, testimony and accounts of how the torture program was decided, organized and executed. Some have come from military officers and other official personnel. We have known that the Agency at the highest level took the radical step of destroying video evidence of torture out of fear of criminal prosecution and damage to its bureaucratic empire lavishly funded beyond their wildest dreams thanks to the “war on terror” boon. The “black sites” were identified eight years ago in exhaustive investigative reports prepared under the auspices of the Council of Europe and the European Parliament. So, too, were the kidnappings, renditions and complicity of all but one NATO government. All is detailed and documented there. (The findings are assessed in the attached segment from a paper I wrote in 2007). The torture programs vengeful and sadistic ethos is not a surprise either – nor the total failure to produce a single piece of actionable intelligence involving a threat to the United States. (More on this last below).

Yet, the reaction is one of surprise. Senator Feinstein did a compelling reprise of Captain Reynaud’s “I am shocked, checked that gambling is going on here.” Feinstein’s expressed greatest outrage over what she claimed were misleading statements by successive CIA Directors as to the scope of torture and as to its effectiveness. The Committee never was provided with a record accounting for those subject to torture and the aftermath. The primary inference to draw from the Senator’s grievances is that the Intelligence Committees knew perfectly well that torture had become the official policy of the United States. Moreover, they seemingly made no great effort to find out how the program was executed with what consequences. Yes, the CIA deceived them about certain things but it strains credulity that hardboiled Congress people did not realize that deception is what the CIA does for a living. The bottom line is that Congress was an accessory to the torture program and remained so until it became politically convenient to distance itself (the Democratic members anyway) from Constitutional abuses unprecedented in the country’s history. The tragic irony here is that the CIA/White House deception of the Congress was but a small incident in the grand deception that has been the “war on terror” – a pyramid of lies and illusions.

The Congressional leadership – Chairs and senior minority members of the Intelligence committees, as well as the leadership – were apprised for the programs initiative and implementation from the outset. Former Chair of the House Intelligence Committee Pete

Hoekstra let the bag out of the cat in admitting on television in admitting that his staff already knew 90% of what was in the report. Moreover, there were the multiple public sources referred to above. Yes, the Committees had been lied to on several occasions as to the modalities of this of that aspect of the program. And as the relationship between the CIA and the Senate Intelligence Committee took on an adversarial character with the Democratic victory of 2006, the Agency leadership leader went into full deceit mode to protect its turf, its prerogatives and its budget. Those qualifications notwithstanding, the core reality is that the three branches of government conspired to keep these heinous, illegal acts concealed from the American people.

This reading of the post-9/11 torture history matches the accounts we have of the tripartite conspiracy to launch massive electronic surveillance in calculated violation of the law and the Constitution. It, too, was conceived and orchestrated at the White House. It, too, enlisted the Congressional leaders as co-conspirators. It, too, selectively coopted the courts via the Chief Justice of the Supreme Court and the head of the FISA Court. (The detailed narrative is provided by James Risen in his recently published book *Pay Any Price* chapter 9).

What the Senate Committee does not tell us.

The Feinstein report is not a comprehensive account of torture and abuse by the United States government in the “war on terror.” It is limited to actions at the “black sites” and at Guantanamo. The numbers cited are 191 persons, of whom 26 are categorized as manifestly innocent. This is actually a small fraction of those who suffered inhumane treatment at American hands. For one thing, it excludes those incarcerated at the numerous bases, camps and outposts set up by both the Army and the CIA in Afghanistan from 2002-2004. They were the nodes for a draconian campaign to hunt down Taliban. In fact, they became collection sites for locals shopped by self designated warlords, vigilantes, free-booters and outright criminals who trafficked humans for the immunity we gave them to pursue their own dubious schemes in post-Taliban Afghanistan. We thereby empowered a network of drug dealers, power brokers and brigands who helped the Americans meet quotas for “Taliban” detained. We have graphic accounts of how the victims were treated. All were abused. Many tortured, some given one-way tickets to Guantanamo. Some were cast aside as the broken refuse of vendetta and vengeance. (A detailed, witnessed portrayal of how this played out in Kandahar and [Urozgan](#) provinces is given by Anand Gopal in *No Good Men Among The Living* 2014). The harsh truth: a motley array of Afghan miscreants played CIA agents and Army officers for fools. Their blind lust for revenge made them easy marks.

The total numbers are unknown and unknowable. The Senate Intelligence Committee never considered pursuing the matter. There were similar patterns of abuse in Iraq. Most of those accounts are verbal reports from Iraqis caught up in the apparatus of abuse – whether victims directly of American interrogators/jailers or Iraqi auxiliaries who acted with an American mandate and, often, with Americans present in their own prisons. CIA agents, military officers and private contractors were all accomplices to this large-scale torture of Iraqis. In the former category, we do know that Abu Ghraib was not unique. General Stanley McChrystal was the point man for the program who personally created the notorious Camp Cropper interrogation center. What is on the public record is the imprisonment of 20 – 40,000 Iraqis in grim conditions on grounds of engaging in “anti-Iraqi activities” – i.e. planning to attack Americans. All were released by the time that the United States vacated Iraq (temporarily) at the end of 2011. One

noteworthy alumnus was Abu Bakr al-Baghdadi – the mastermind of ISIL. In effect, American authorities had little idea of what they were doing, of who was who. Much pain was inflicted, much injustice done, by incompetent American authorities. We are paying the whirlwind for this mindlessness – and will continue to indefinitely.

The Senate Intelligence Committee summary report does present one conclusion of the utmost importance – even if it, too, conveys no revelation. *No information of value was elicited through the application of torture techniques. That conforms to everything we know about interrogation.* It also confirms numerous bits and pieces of the story that have emerged over the years. CIA leaders and their backers (politicos and commentators) persist in the claim that vital information flowed from their torture campaign. These are offered as articles of faith without supporting evidence. Why this compulsion to lie? The aggrandized CIA of the WOT era is animated by a myth. It is the fictive tale of dedicated patriots risen to the great challenge of our times to protect and to secure America against diabolical enemies. That mythology infuses the NSA and Pentagon as well to a somewhat lesser degree. It is central to the Agency's sense of self and ambitions. The praise heaped on the CIA leadership by President Obama from January 2009 through last week keeps the myth alive and stokes the hubris that feeds on it.

Absolutely crucial to this mythical story is the legend of how the Agency got Osama ben-Laden. It is the CIA's Passion Play. Good triumphs over Evil – a tale replete with heroes (and heroines in the Hollywood version), Divine inspiration and super human labors in the vineyard of the Lord. The Senate Committee report in effect open's the trap door under the stage on which the CIA has been preening. The OBL tale is false. The critical torture induced information is a fiction. The causal chain advanced by the CIA logically untenable. It just didn't happen the way John Brennan and his predecessors have told it. The Agency is plodding rather than perspicacious, slow and awkward rather than nimble. Organizationally incoherent rather than a superb intelligence machine. This conclusion is no more original than other segments of the report. The flaws of evidence and logic in the CIA fictive account were pointed out by close observers three years ago. The best informed, rigorously argued criticism was presented by Brig (ret) Shaukat Qadir of Pakistan who undertook his own investigation on both sides of the Durand Line. (It has been published as *Operation Geronimo: the Betrayal and Execution of Osama bin Laden and its Aftermath* May 2012 — Kindle eBook). A brief summary of the main points in debunking the CIA story were published in the *Huffington Post* (attached). Qadir, moreover, fills in the blank left by President Obama whose statement announcing OBL's killing made oblique reference to valuable information transmitted by Pakistani authorities. In fact, OBL may have been betrayed by his own people.

The MSM's neglect of this expose of the CIA's fabrication, which has been in the public realm for more than two years, like its overlooking of the Council of Europe's detailed accountability of "black sites," epitomizes the sheer laziness and obedient conformity of those whose mandate is to keep the American people informed. They also might have employed their own mental faculties to pick up the contradictions and illogicalities of the CIA's manufactured account.

The complicity of the White House in perpetuating the CIA mythology is the most troubling part of the story. President Obama went all the way down the line to prevent its exposure. Even now that the lie has been established beyond any reasonable doubt, he personally has thrown

Brennan et al a life preserver in pronouncing himself neutral on the issue. In his official reaction to the Feinstein release the next day, Obama declared that that he will not take sides in the debate on whether torture worked. This is a striking example of Presidential irrationality – as well as irresponsibility. He is reacting as if a friend had asked him whether the Chicago Cubs should shell out \$100 million+ for Jon Lester. That is a policy preference. Whether torture helped capture and kill OBL is a matter of fact – of truth or falsity. Leaving aside the inconvenient fact that he happens to be President of the United States, that that he already conspired with the CIA to block the report's release and to prevent the ensuing embarrassment of the revelation that the torture program did not work (thereby already taking a position on the issue), one cannot logically abstain on a question of whether the sun rises in the East or the West.

The unstated question that runs through the Senate report and the entire intelligence debate is: *how good is the CIA at doing intelligence work?* This formulation consolidates two questions: how good is it at operations? How good is it at analysis? There has been an institutional tensions between the agencies' two wings since the earliest days when Truman's conception of a centralized intelligence gathering and assessing body was challenged by the incorporation of the OSS veterans who were gung-ho about defeating the Commies through undercover black deeds. The operative people have always dominated being more glamorous and better at self promotion – especially to Congress and the White House. The WOT consolidated and expanded their position. They are the people to run the drone programs around the world; they lead an array of private armies in Afghanistan; they devise cloak-and-dagger schemes of all sorts. By contrast, the CIA's corps of able analysts has been depleted and marginalized over the past thirty years since Director Bill Casey and his Deputy Robert Gates began to purge the Agency of the professionals whose independence stood in the way of the campaign to harness the IC to the Reagan administration's hardline Cold War strategy.

What does the record tell us? There are several revealing flashpoints that shed some light. The CIA in 2001 allowed General Musharraf to fly out of Afghanistan hundreds of Taliban (and perhaps a few al-Qaeda) under the guise of evacuating ISI agents. It was the CIA that let loose the berserk Raymond Davis on the streets of Lahore where he gunned down two ISI agents – thereby provoking a major crisis between Washington and the Pakistani Army. The agency failed to forewarn American officials about participating in series of meetings with supposed Taliban whose supposed top level leader turned out to be a grocer from Quetta. This is the outfit that dispatched 22 agents to Milan where they spent a week at a 5 star hotel readying themselves to nab an wholly innocuous Imam who was dispatched to Jordan for torture. The victim was found eventually dumped on the side of road in Macadenia. For this caper, the Italian courts convicted the 22 crack operatives *in absentia* –ensuring that they won't be tossing coins into the Trevi Fountain anytime soon. Then there was the novice CIA operative collared by the Russians in Moscow with a false beard and an old Moscow street map. The CIA, in the run-up to the Iraq invasion, bought the tall-tales of “curveball” the crackpot Iraqi agitator who sold them a pack of lies about Saddam's weapons stockpiles. In a similar vein, the bought into the huckster who persuaded the CIA chiefs that he could read cryptic al-Qaeda communications hidden in al-Jazeera headlines. The CIA's wackiest scheme was the surreptitious transfer to Iran of detailed designs for a nuclear warhead that contained engineering flaws. The idea was to set any Iranian program down a false path. The Agency, though, misjudged how easy it would be for the Iranian

personnel to detect the flaw; moreover, they may well have learned from the accurate features of the design.

These errors of commission pale next to the errors of omission. The CIA has failed to provide timely, accurate and significant intelligence on just about every political development of consequence in the world.

They missed the Egyptian coup led by General al-Sisi. They missed Putin's move into Crimea and the enter pattern of the Russian reaction to our adventure in regime change in Kiev. They missed Nouri al-Maliki's adamant refusal to sign the Status Of Forces of Agreement that would have kept a residual American force in the country. They missed the fact that the notorious chemical attack in Syria last August nearly brought us to war was in fact a rebel false flag operation. They missed nearly everything about the internal dynamics of post-9/11 Afghanistan that ensured the failure of our grandiose nation-building project while exaggerating the Taliban threat in the early years (leading to actions that led to its resurrection). Finally, they made a hash of the hunt for Osama bin-Laden. For eight years, they had no track of him whatsoever – despite the enormous financial and technical resources we had at our disposal. The Agency overlooked or misinterpreted bits of intelligence that did come their way. Once tipped off (probably by the Pakistanis, perhaps by OBL's own people) that he might be in that house in Abbottabad, it took seven months of observation to determine some al-Qaeda leader was in it. On the eve of the attack, the still didn't know for sure. We imagined a large force of fanatical guards even though the modest house and grounds (under satellite and ground surveillance) had no physical space for one; thus, we organized a massive assault team to storm a building occupied by two males with two AK-47s. Hardly a brilliant performance. In the CIA-White House fantasy world, the raid was played up as a combination of the D-day landings and the storming of Constantinople by the Turks. In truth, the CIA's greatest successes are ones of public relations – its real *forte*.

What of the Islamic State or ISIL? This complicated and yet to be understood story is a twin failure of intelligence and policy-making. Much remains murky. Here is what we know.

* Overall, the Intelligence Community (IC) was slow on the uptake. Fragments of information were registered early on but the picture did not crystallize. Late in 2013, Washington officials were still citing al-Nusra as the main radical, al-Qaeda connected threat. Even IS' seizure of Falluja and parts of Ramadi in December-January were undervalued – as late as January Barack Obama was disparaging IS as a sort of al-Qaeda “junior varsity.”(New Yorker January 27, 2014)

* The Defense Intelligence Agency (DIA) was out in front in projecting the military capabilities of IS, including their threat to Mosul

* The DIA did have a few human intelligence sources within the Iraqi Army who correctly appraised its hollowness and corruption. It is not clear what prominence was given this assessment or how it figured in the Obama administration's estimation of the dangers represented by ISIL.

* The NSA provided little if any useful surveillance data re the IS leadership or its associated groups. Question: was this due the unsuitability of the Agency's ultra-sophisticated technology to the ISIL target and/or because they were preoccupied elsewhere?

* The State Department's Intelligence (INR) used these fragments of Intelligence information and drew from open sources to draw a picture of the movement and its capabilities.

* They were largely ignored by the National Security Advisor Susan Rice and her staff. The entire National Security advisory apparatus is widely viewed within the administration as erratic, highly personalized and dysfunctional. Under the irascible Rice and her principal deputy, the professional amateur Ben Rhodes, the outsized NSC staff of 400 is better suited to games of palace intrigue and to obstruction than it is to serving the needs of a President who is himself diffident and unfocused.

* Obama had made a clear decision in late 2011 that the United States would not intervene in Syria – in support of the Syrian National Council/Army or any other way. ISIL's rise discomfited the White House by raising the specter of a major terrorist threat to the U.S. and endangering the Baghdad regime in Iraq. His instinct was to evade the issue by downplaying IS' disruptive potential. The effect on the IC was to weaken the IC's concentrated focus on IS in Syria. At this point, it is understood throughout the administration that Presidential concern is on Iraq. The current ploy of training a "moderate" Syrian opposition is just a smokescreen that is not taken seriously. Syria, in effect, is written off as a place where no outcome favorable to the United States is possible. By default, Washington is subscribing to the Israeli position of viewing a prolonged stalemate as tolerable, perhaps desirable, since it entails two hostile forces killing each other. Isn't there a logical disconnect between the ardent pursuit of IS in Iraq and laissez-faire approach to IS in Syria? Of course. But as the United States chases its tail around the entire Middle East, logic is just another casualty of substituting fractured impulse for strategy.

* The CIA consistently played the "heavy" in trying to dominate all inter-agency committees, review, etc – more interested in bureaucratic control than getting the best possible product to senior policy-makers. One of their ploys is to denigrate anything that does not come directly from one of their sources

* At no time, did the CIA Director's office produce a clear, crisp paper that laid out the full dimensions of the mounting IS threat, its implications and assessing rigorously possible courses of action. Admittedly, the White House never expressed any keen interest in the growing ISIL phenomenon. Quite the contrary. All Syrian developments were low priority since Obama had concluded early on that there was little the United States could do and sought to avoid undercutting his "war terminator" legacy theme. A more independent and professional Intelligence agency would have proceeded anyway to conduct rigorous assessment and call the President's attention to developments of consequence. Brennan, though, and his predecessors were ultra sensitive to the White House moods. Brennan was the President's personal counter-terrorism chief for four years. He knew what Obama wanted and gave it to him. The dangers of politicizing Intelligence are personified by the Obama-Brennan relationship. The Director's statutory responsibility is to provide the Chief Executive with detached, unbiased analysis – not to join in devising public relations tactics to "spin" the story of the week.

REACTION & CONSEQUENCES

The political class has rallied in defense of the CIA, implicitly ‘torture’ and certainly the “war on terror.” Some actively, some passively. It is a bipartisan defense mechanism at work – *just as the WOT has been bipartisan since Day One. Only two Senators have expressed genuine outrage* – John McCain and outgoing Colorado Senator Mark Udall. The rest of Congress either has extended nominal support for the Senate Intelligence Committee publication of the report (Democrats), kept a discrete silence or vociferously attacked it on every conceivable grounds (nearly all Republicans). Hillary, at the first sound of the cat’s paw, scurried down her bolt hole where she has been nibbling a selection of gourmet cheeses while Bill works the poll numbers. Once the coast is clear, she will reemerge to resume the politics of platitude. Andrew Cuomo did make headlines the very day after the Feinstein presentation by boldly declaring that New York State would insist that all health insurance policies sold in the state cover sex changes – without a lifetime quota. After all, “reversal” is the born-again conservative Cuomo’s middle name. Others like Chris Christie and Jeb Bush similarly observed the rule of *omerta*. In a healthy polity, any presidential aspirant who did not speak out firmly and clearly on such a matter of national interest would *de facto* disqualify him(her)self from serious consideration. Not in today’s America.

As for the security specialists and the commentariat in general, they have been unnaturally mute. Usually ready to proclaim and to pontificate at the slightest ripple of events in far-off Afghanistan or Yemen, they suddenly are tongue-tied.

For the MSM, the torture story was a one day wonder – two days for *The New York Times*. Both the visual and print media found it politically expedient to provide maximum exposure to arch defenders of the CIA like Dick Cheney, Michael Hayden, John Yoo and Director John Brennan himself. The *NYT* managed to feature Cheney and Brennan in side-by-side front page lead stories. No other torture related content appeared in the paper last Monday. True, the editorial board issued a strong editorial in the wake of the Report’s issuance that condemned torture and called for President Obama to reconsider his 2009 decision to draw a veil over every ugly aspect of the WOT. The paper’s editors had had six years to print that editorial before it became expedient to do so in full knowledge that the proposed action never would be taken. This is what is known in the trade as the “Thanksgiving Legacy.” When many years from now some precocious grandchild at the family Thanksgiving dinner asks the patriarch: “what did you do while our leaders were shaming our country?” – grandpa rises from his chair, finds his tablet, and shows her the editorial/article that proves what a conscientious editor and citizen he had been.

It is hard to imagine what might stir America’s political class, especially the elite members of it, out of their timid escapism. Here is an actual story that beats any Hollywood or TV script hands down. The country’s top spy agency breaks the law under White House command in a fit of post-9/11 rage by engaging in systematic torture – of innocents and suspects alike. They lie about it

for years; destroy evidence; concoct false narratives about what vital national ends were served by it. The current Director organizes a break-in of the Senate Committee computers – the committee that has Constitutional duty to monitor and supervise the CIA’s activities. The President aids and abets the break-in. He uses all the powers of his office in a failed attempt to prevent publication of the Senate Report. He lauds publicly those who have committed these crimes and designates the Director to be the official Presidential spokesman to address the country in justifying what was done. The Director declares that we may have to torture again. Yet, for the MSM, for the politicians, for the commentariat, it’s just another day at the office.

The American people are living in the grip of a psychosis. We have become divorced from reality, and thereby divorced from our better selves, consumed by an extreme and irrational fear rooted in the trauma of 9/11. It has been stoked by our leaders who themselves share in it. As has been said in another context, their “own grip on truth or falsity is so fluid, so subservient to their desires, that it matters little to them what is true and what is false; so they are able to act as if something is true if that serves their purposes best. Belief has become a creature of their will: they will treat an unfounded suspicion as if it were a Cartesian certainty. They have contempt for people who are candid and trusting, who can respect the truth.” The latter, in any event, were thin on the ground before this act in the American national drama began; now, they are on the point of extinction.

So, in short, nothing will change. A lawless, incompetent CIA will continue to act with impunity to the detriment of the nation’s security and foreign interests. John Brennan – inveterate liar, bungler and fantasist – will remain secure at the helm with the full backing of his co-conspirator in the Oval Office. No modifications of law or organization or accountability will be introduced. As at the NSA, “normalcy” will be restored. Praise the Lord and pass the appropriations.