

On Torture, the Pressure Builds

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Theme: [Crimes against Humanity](#), [Law and Justice](#)

Well, well. The *New York Times* has finally put a story together on the key role that two controversial psychologists played in devising the Bush administration's torture policies. Guess we should be thankful for small favors.

Apparently, a *NYTimes* "exposé" requires a 21-month gestation period; just by way of pointing out that the substance of the *Times* "exposé" appeared in an article the [July 2007 issue of Vanity Fair](#).

Katherine Eban, a Brooklyn-based journalist who writes about public health, authored that article and titled it "Rorschach and Awe." It was the result of a careful effort to understand the role of psychologists in the torture of detainees in Guantánamo.

She identified the two psychologists as James Elmer Mitchell and Bruce Jessen, who she reported were inexperienced in interrogations and "had no proof of their tactics' effectiveness" but nevertheless sold the Bush administration on a plan to subject captives to "psychic demolition," essentially severing them from their personalities and scaring them "almost to death."

In [Wednesday's New York Times](#), reporters Scott Shane and Mark Mazzetti plow much the same ground. But please do not misunderstand. They deserve praise for finally pushing their own article past the *Times*' censors, but let's not pretend the startling revelations are new.

The *Times* ought to allow the likes of Shane and Mazzetti to publish these stories when they are fresh. Alternatively, the "newspaper of record" might at least report the findings of the likes of Eban, rather than ignoring them for nearly two years.

It's pretty much all out there now, isn't it? Not only the *Times*' better-late-than-never "exposé," but also:

-The (leaked) text of the report of the International Committee of the Red Cross on the torture of "high-value" detainees;

-The too-slick-by-half "legal opinions" under Department of Justice letterhead;

-The findings of the 18-month investigation by the Senate Armed Services Committee highlighting that it was President George W. Bush's dismissal of Geneva (in his executive order of Feb. 7, 2002) that "opened the door" to abuse of detainees.

The North/Gonzales Shredder

One issue of some urgency has been overlooked in the media, but probably not by those

complicit in torture by the CIA and other parts of the government. That issue is the need to protect evidence from being shredded.

I have seen no sign that Director of National Intelligence Director Dennis Blair, or CIA Director Leon Panetta, have proscribed the destruction of documents/tapes/etc. relating to torture, while decisions on if and how to proceed are being worked out.

Many will remember how Oliver North (when the crimes of Iran-Contra were uncovered) and Alberto Gonzales (when White House involvement in the Valerie Plame affair was suggested) made such good use of the days of hiatus between the announced decision to investigate and the belated decision to safeguard all evidence from destruction.

One would think that Attorney General Eric Holder, or President Barack Obama himself, would have long since issued such an order. Indeed, the absence of such an order would suggest they would just as soon avoid as many of the painful truths about torture as they can.

The issue would seem particularly urgent in the wake of Obama's gratuitous get-out-of-jail free card issued to CIA personnel complicit in torture. They might well draw the (erroneous) conclusion that they have been, in effect, pardoned by the President and thus are within the law in destroying relevant evidence — to the degree that being within the law matters any more.

And what about the President's decision not to prosecute those in CIA who engaged in torture? What is going on here?

Obama's defensive tone on the recent release of the four torture documents issued by the Mafia-style lawyers of the Justice Department doesn't square with what should be the attitude of a specialist in constitutional law. Oddly, the President and his people seem to think they must justify the release.

In the face of Rush Limbaugh/Dick Cheney-type charges that the revelations endanger national security, they argue that most of the information was already in the public domain (in the recently leaked report of the International Committee of the Red Cross, for example).

Hey, Mr. constitutional-law professor and now President, how about the fact that the Freedom of Information Act requires your administration to release such information? How about acknowledging that you are just obeying the law — or is that quaint, obsolete, or somehow passé these days?

Misplaced Loyalty or Fear?

It is highly unusual for the President to feel it necessary to visit CIA headquarters in Langley, Virginia. Vivid in my memory is the visit by President George W. Bush on Sept. 26, 2001, just two weeks after the intelligence/defense/policy failures permitted the attacks of September 11.

For some time it remained something of a puzzle, why the President felt it prudent to appear at CIA with his arm around then-CIA Director George Tenet, endorsing his leadership without reservation and bragging about having the best intelligence service in the world. In retrospect, it was a Faustian bargain.

Former CIA Director and Medal of Freedom winner, George Tenet, can be forgiven for being somewhat apprehensive these days — especially in the wake of the article by Shane and Mazzetti. But let's leave aside for now the obviously heinous — like running George W. Bush's global Gestapo complete with secret prisons and torture chambers, a criminal enterprise that Tenet shoe-horned into the operations directorate of the CIA.

Let's pick a case of simpler, more familiar white-collar crimes — Scooter Libby-style perjury and obstruction of justice. Those who remember Watergate and other crimes will be aware that the cover-up constitutes an additional — and often more provable — crime, especially when it involves perjury and obstruction of justice.

Until now, Bush has managed to escape blame for his outrageous inactivity before 9/11 because his subordinates — first and foremost, Tenet — have covered up for him. Faustian bargain? Call it mutual blackmail, if you prefer the vernacular.

Tenet gave the President enough warning to warrant, to compel some sort of action on his part. But Tenet's lackadaisical management of the CIA and intelligence community was at least as important a factor in the success of the 9/11 attacks.

Tenet should have been fired after 9/11. But President Bush needed Tenet, or at least Tenet's silence, as much as Tenet needed Bush, or at least Bush's forgiveness.

What developed might be described as a case of mutual blackmail disguised as bonhomie. Bush was keenly aware that Tenet had the wherewithal to let the world know how many warnings he had given the President — reducing Bush to a criminally negligent, blundering fool.

Were that to happen, Bush would have to kiss goodbye the role of cheerleader/war president — and so much else. Thus, Tenet had become critical to Bush's political survival. And Tenet? All he needed was not to be blamed — not to be fired.

The bargain: I, George Bush, will keep you on and even praise your performance; you, George Tenet, will keep your mouth shut about all the warnings you gave me during the spring and summer of 2001. Tenet, it seems clear, agreed.

On Sept. 26, 2001, the President motored out to CIA headquarters, puts his arm around Tenet and told the cameras, "We've got the best intelligence we can possibly have thanks to the men and women of the CIA."

In his sworn testimony of April 14, 2004, before the 9/11 Commission, Tenet outdid himself trying to honor his bargain with Bush. The commissioners were interested in what the president had been told during the critical month of August 2001.

Answering a question from Commissioner Timothy Roemer, Tenet referred to the President's long vacation (July 29-Aug. 30, 2001) in Crawford and insisted that he did not see the President at all in August.

"You never talked with him?" Roemer asked.

"No," Tenet replied, explaining that for much of August he, too, was "on leave."

That same evening, a CIA spokesman called reporters to say that Tenet had misspoken, and

that he had briefed Bush on Aug. 17 and 31, 2001. The spokesman played down the Aug. 17 briefing as uneventful and indicated that the second briefing took place after Bush had returned to Washington.

Funny how Tenet could have forgotten his first visit to Crawford, whereas in his memoir, At the Center of the Storm, Tenet waxed eloquent about the “president graciously driving me around the spread in his pickup and me trying to make small talk about the flora and the fauna.”

But the visit was not limited to small talk. In his book, Tenet writes: “A few weeks after the August 6 PDB was delivered, I followed it to Crawford to make sure the president stayed current on events.”

The Aug. 6, 2001, President’s Daily Brief contained the article “Bin Laden Determined to Strike in the US.” According to Ron Suskind’s The One-Percent Doctrine, the President reacted by telling the CIA briefer, “All right, you’ve covered your ass now.”

Clearly, Tenet needed to follow up on that. Was Tenet again in Crawford just one week later? According to a White House press release, President Bush on Aug. 25 told visitors to Crawford, “George Tenet and I” drove up the canyon “yesterday.”

If, as Tenet says in his memoir, it was the Aug. 6, 2001, PDB that prompted his visit on Aug. 17, what might have brought him back on Aug. 24? That was the day after Tenet had been briefed on Zacarias Moussaoui training to fly a 747 and other suspicion-arousing information.

The evidence is very strong that Tenet told Bush chapter and verse. The extraordinary lengths to which Tenet has gone to disguise that has the former CIA director skating very close to perjury – if not over the line.

A note on Moussaoui: despite strong encouragement from FBI special agent/lawyer Coleen Rowley at the time, the government never interviewed Moussaoui for information on a possible “second wave” of 9/11-type attacks.

Moussaoui knew Richard Reid, the shoe-bomber who almost downed an airliner on its way from London to the U.S., and might have provided forewarning, were he to be asked in the three months between 9/11 and Reid’s attempt in December 2001.

It gets worse: it does not seem that Reid was effectively interviewed either. This greatly diminishes the credibility of arguments that torture was felt to be necessary because of overweening fear of follow-up attacks.

The administration claims it was pulling out all the stops – while, in reality, it failed to take rudimentary steps to acquire information from suspected terrorists already in our custody.

Obama’s Faustian Bargain?

In a recent article on torture, I asked what might be holding the administration back on moving forward with investigation and holding accountable those proven guilty, in order to end this shameful chapter in American history once and for all.

A reader offered an answer: What’s holding them back? I’ll tell you, she said. His name is

John D. Rockefeller, IV. He and other Democratic (as well as Republican) lawmakers knew of the torture and did nothing, she added.

The writer gave her name as Kathleen Rockefeller; she described herself as a cousin with courage.

The disclosures in the Shane/Mazzetti article today, and plenty of other evidence suggest that Ms. Rockefeller is not far off the mark. Powerful forces are working on our President.

Maybe, just maybe, he insisted on releasing those torture memos with the thought that the rest of us would be appropriately outraged — so outraged that we would put inexorable pressure on him to hold everyone, repeat everyone, accountable.

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