

The CIA Is *Not* Demanding The Right To Torture Prisoners

On Sept. 6, 2006, President George W. Bush officially admitted what was otherwise widely known, that the United States was operating a network of secret prisons overseas in which suspected terrorists were being held and brutally interrogated. In these facilities, Bush told the nation, the CIA was using “an alternate set of procedures” on prisoners who had allegedly resisted normal interrogation methods. Leaving little to the imagination—while professing that the United States “does not torture”—the President spun out a fantastical tale of how one terrorist after another had disgorged al-Qaeda’s deepest secrets under the CIA’s “alternate” interrogation procedures.

At the same time, Bush dramatically announced that the Administration was transferring 14 top terrorists to the Guantanamo Bay prison camp, where they would be put on trial—just as soon as Congress passed the White House bill approving the scheme of military commissions which the Supreme Court had invalidated in June. Over the next few weeks, Bush, Vice President Cheney, and other Administration spokesmen conducted a relentless campaign of threatening Congress that if it did not approve the Administration bill, including provisions which would allow the “CIA program” to continue, the U.S. could no longer interrogate terrorists who were planning to attack the nation, and thus would be unable to prevent attacks and save American lives. The blackmail was that those members who opposed “the program” would be accused of coddling terrorists and endangering innocent lives.

The blackmail worked. Even though Senate opponents of the bill—Democrats and a handful of Republicans—had the votes to block the bill by means of a filibuster, the Democratic leadership caved in and refused to act.

What went almost totally unquestioned, throughout the debate on the “Military Commissions Act”—properly known as the “torture bill”—was the claim by the White House and its supporters that the CIA was demanding that the White House legislation be passed so it could continue with “the program.” One exception to this was a report in the Sept. 18 *Newsweek*, citing unnamed sources who said that the CIA was desperate to *get rid* of the program, and that it had never wanted to run the secret prisons in the first place.

On Oct. 17, the day that Bush signed the bill, former CIA Inspector General Fred Hitz participated in a conference call with reporters, moderated by Human Rights First. He ridiculed the idea that CIA officers were clamoring to torture and abuse prisoners. “The notion that there’s a cadre of fire-

breathers over at the Agency wanting to be turned loose to do whatever is necessary to get information . . . is just plain wrong,” Hitz said.

Following the conference call, *EIR*’s Edward Spannaus asked Hitz to elaborate on his statements, which Hitz did in the following interview.

EIR’s first contact with Hitz occurred in December 1996, during the controversy over what was being called the “CIA crack-cocaine” operation in Southern California. *EIR* had been conducting an extensive investigation of the drug-trafficking links to the White House-sponsored, Ollie North “Contra” networks—operations which were often, and wrongly, blamed on the CIA.

At a meeting sponsored by the American Bar Association’s national-security law committee, *EIR* asked Hitz if, in his investigation, he would follow the trail even if it led outside the CIA. Hitz promised that he would. And, true to his word, when he issued the official report on his investigation in 1998, it contained a wealth of information documenting the links between North’s Contras and major Colombian drug-trafficking organizations. (See *EIR*, Jan. 3, 1997; Feb. 13, and Oct. 23, 1998.)

Interview: Frederick Hitz

Frederick P. Hitz is a veteran CIA operations officer, and was the Inspector General of the CIA from 1990 to 1998. He now teaches at the University of Virginia Law School. Mr. Hitz was interviewed by Edward Spannaus on Oct. 19, 2006.



EIR: When President Bush announced the transfer of the 14 detainees on Sept. 6 to Guantanamo, he gave the impression that the CIA was very anxious to proceed with these interrogations, but they couldn’t do it because of the Supreme Court, and he said we’ve gotten all this valuable information, and we have to proceed with this. What is wrong with that picture?

Hitz: I don't think this is the full extent of it. There is not a burning desire on the part of intelligence professionals to be involved in a coerced interrogation situation where they have to be pushing the envelope, so to speak, pushing what they consider the proper way of dealing with people, beyond the accepted norms, in order to get information.

They are not bloodthirsty sort of interrogation specialists, who are just chomping at the bit to be turned loose.

EIR: Is there really a substantial difference between the approach in the CIA, and that in the military, in the FBI, or other agencies?

Hitz: Yes, I think so, if these stories that we have been reading are true, and I have some question about that. With respect to the military, their major concern is, and appropriately so (aside from the moral revulsion, which I think we shouldn't make light of—these individuals, whether they wear an Army uniform, or are in the Bureau [FBI], CIA, grow up in the same value system that you and I do, and this is not something that they were taught to do in Sunday school); but the thing that justifies it, if anything, is the issue of protection, and national security, and not wanting to be hit again by a terrorist attack.

That having been said, the Army has to deal with an enormous organization inhabited by 17-, 18-, 19-year-old kids, people whose behavior has to be spelled out with particularity. They also recognize that if they expect to have the same kind of treatment, expect to get equitable treatment should they ever be captured, they'd better not develop a reputation of being willing to exceed any internationally recognized limits on the propriety of interrogations.

The Bureau has a different point of view. Most of the information that they are seeking, they hope to be able to introduce in a court of law, and they know darn well that they are not going to be able get in the fruits of coerced interrogations, so they've had to figure out another way to get that information.

I don't think the CIA is the interrogator's secret weapon: If you can't do it the FBI way or the Army way, just think of a CIA way, where you can operate without these constraints. I think we've gotten thrown into it, because it has been expected that we are able to do things that others can't, and I think that is not really a fair way to look at, or to use, the Agency.

EIR: Do you think people in the Agency want to have, as Bush and Cheney have implied, a different set of standards than other people involved in these things?

Hitz: I don't. I have experience with past situations where the CIA has been pushed too far, and where there hasn't been any willingness to stand behind those individuals involved, when the matter is brought before an outside investigating entity. What comes to mind are situations we were involved in, in Central America in the 1980s, where, because it is a violation of internal regulation to engage in terror, and in

coercive interrogations that exceed the law—read, “international law”—but where, if the Agency wasn't doing it, it was perhaps knowledgeable of and therefore complicit in, this kind of interrogation, taking place at the hands of a liaison service. None of this is what Agency officers are trained to do, what they sign up to go into intelligence for. It is an assignment, if it exists, that they've been moved into, because the possibility of acting beyond constraints that might bind others is appealing to those who are giving them the orders. And I just think that's a lousy way to do business.

EIR: Isn't there an element of set-up in this whole thing, the way it's been presented during the course of this debate: It's almost as if the CIA people are the rogue elephants that are willing to do what other people won't do.

Hitz: The black hats. The issue here, Ed, is that we may have acquired custody of certain individuals, based on help given by friendly liaison services who were able to arrest them or capture them or whatever it may be, and then turned them over to us, as the entity that was interested in getting the information. So, that may be sort of the triggering event. That having been said, here we are with these persons in our custody, responsible for them, but not seemingly bound by as tight a leash as the Army and the FBI—at a time when the Administration itself was beginning to test these limits, in the name of Executive power and in the name of the threat created by the 9/11 happenings. And frankly, I think people acted with the notion that it's a Brave New World: We can do whatever we want, and what's to be gained, justifies it.

I haven't seen any evidence that it's so. It's bruited that we got from Khalid Sheikh Muhamed the information needed to apprehend others in the al-Qaeda bunch that were involved in 9/11 kinds of things, and perhaps prospective ones. I don't know the truth or falsity of that. But it strikes me that this way of proceeding, acting in a manner that exceeds the bounds of law and normal practice, is not the way to do it.

EIR: The very day that Bush announced this, there had been a press conference at the Pentagon, where they announced their new directive on the handling of detainees and interrogations, in which they got up and said, “This stuff doesn't work,” and that the experience of the recent years had shown that abuse and coercive interrogations didn't work; and at the same time, the President was saying: “We've got to unleash the CIA.”

Hitz: I would pay closer attention to the person who is closest to the event, and that would be the Army interrogators who have been involved in it. Certainly the Bureau feels strongly, admittedly because they need to get evidence they can introduce into a court of law, but they found other ways to get cooperation from people whom they seek information from. That's really what we are saying here: “In order to skin this cat, you just don't have to beat the daylight out of him.”



U.S. Navy/Shane T. McCoy

President Bush, when he announced the transfer of 14 detainees to Guantanamo, implied that the CIA was very anxious to proceed with tough interrogations. Hitz rejects the idea that CIA agents are “bloodthirsty sort of interrogation specialists, who are just chomping at the bit to be turned loose.” Here, U.S. Army military police bring a detainee to Guantanamo Bay.

You catch more flies with sugar than vinegar. If you blast somebody, they’re going to tell you whatever they can to stop the beating. And some of it may be good, and some of it may be bad. How do you tell?

EIR: Why do you think that there haven’t been more people from around the environment of the Agency who have spoken out on this?

Hitz: Maybe there are some who believe that this system works. I don’t know. I feel that you’ve had a pretty good indication of what the rank-and-file believe, in the reported manner in which they’ve been seeking insurance protection against actions they take on the job. To me, it’s just an absolutely scandalous situation to be in: to need to have an insurance policy to protect you against the ramifications of what you are being asked to do on the job. If there is support in the Agency for this kind of behavior, this course of interrogations that go to the absolute limit, it’s not the Agency I remember.

EIR: What about the rendition policy?

Hitz: We’ve talked about “definition creep”—we’ve seen a real creep in what is considered to be renditions, from the time it first appeared in the vocabulary during the Clinton Administration, and the present. In the old days, in the Clinton Administration days, what it meant was, we find ourselves in custody an accused like Mir Amal Kanzi [the shooter at the CIA gate on Route 123], and we would be able to would take custody of an individual in a foreign location, and “render

them to justice,” meaning bring them back home for trial.

The more recent definition is that we, using that same term, be willing to give somebody in our custody to a friendly liaison service, and the person would be interrogated in a manner we presumed would be more coercive than we were permitted to do. I am against that practice. I think it ought to be viewed in the same way that assassination was viewed under [President Gerald] Ford’s original Executive Order in 1976: You cannot engage in political assassination directly, nor through surrogates, nor indirectly. You should regard your responsibility as being not to torture, yourself, and not put people over whom you have control in the hands of others who will torture. And what you hear back from the people who have been involved in this situation, is that we have undertakings from the governments to which we’ve rendered these poor souls, that

they will not engage in torture. Ha, ha, ha. What is the enforcement mechanism there?

I’m actually getting quite involved in this Arar case that took place between us and the Canadians. That’s a situation where, due to this individual’s dual nationality, some pretext, I suppose, was created to send him to Syria; but you can’t tell me that it wasn’t assumed that the Syrians would be able to use methods, whether or not he was al-Qaeda, that were beyond those methods that were available to us.

EIR: You were around, I presume, during the Church Committee period?

Hitz: I wasn’t on duty then. But I followed it every step of the way. And I ended up dealing with the aftermath, which was the Congressional effort to pass legislation setting forth a charter for the CIA and the other agencies.

EIR: That’s what I wanted to ask you about. I’ve heard people say that Dick Cheney never accepted the Church Committee, hardly even recognized that it ever existed, much less the legislative and regulatory outcomes that came out of that. To hear people like Cheney or David Addington talk about the agencies having their hands tied, “We’ve got to take the handcuffs off,” and let them do what they want to do. Is that an accurate depiction: of people chafing at the bit to get out from under all these restrictions?

Hitz: I can’t comment on the involvement of the Vice President or David Addington on this. I just don’t know. But I can

say that it is lore, it is sort of Washington wisdom, that when the CIA began to become ineffectual was in the aftermath of the Church Committee investigations, and the creation of the Executive Order that grew out of it, and it's been a risk-averse, semi-paralyzed organization since.

I think that is a lot of hooley.

I think what the Church Committee investigation did, more than anything else, was establish the ground for creating intelligence oversight committees. Congress was about to do it, but it took the trauma that Church revealed, to push it over the line so that there could be no further opposition to having a House Committee and a Senate Committee, whose prime, if not only, responsibility was overseeing the intelligence business. That's a given, and a lot of people opposed that, "too many people know the Agency's secrets"—but we're a constitutional democracy, and it seems to me that that's a very worthwhile price to pay.

Apart from that, yes, there came a period in the late 1970s, '80s, where perhaps people were a little more careful, because they didn't know how far these regulations went, and that certainly was the cautionary attitude of the Carter Administration. But don't forget, it was during this period of time that the Soviets invaded Afghanistan. President Carter signed a covert action finding to deal with that situation, plus some of the situations in Africa where the Soviets were moving, so it

didn't inhibit the Agency. They distinguished themselves in helping chase the Soviets from Afghanistan.

So I think that's a bum rap. There was a cautionary period during the transition at the end of the Cold War to determine what the new role of the Agency would be, what would be the new targets, how would we go about it. There was a response to some incidents in Latin America which, in the context of causing the Directorate of Operations to review their holdings, to see if they still needed agents on board who had been helpful during the Cold War, but had blood on their hands, and who may not have been particularly useful to us in the new scenario. There was some weeding out. A famous declaration under DCI Deutch, that you had to get permission from headquarters before you recruited a human-rights abuser. The intention of that was not to freeze CIA activity—but it may have had that result. I think any organization sort of goes through these ebbs and flows, and I don't think it is right to lay it all on the Church Committee.

EIR: Getting back to the current situation: On Sept. 6, as I recall, when the Pentagon announced their directive, they said that any other government agency that was operating in connection with the military on a military base, or took custody from the military, would be bound by DOD regulations, and I think that included the Army Field Manual on interrogations. That is clearly not the intention of the Administration. But would there be any problem with that?

Hitz: I support the military's view that, "If it's happening on our territory, we want it to go pursuant to our rule." But I think, as you rightly point out, that gives rise to the implication that what's being talked about here—we're talking about non-Army Field Manual interrogation techniques—that they're going to have to take place in these so-called secret prisons that the Agency is alleged to be operating, because it can't happen on military ground. I'm against that. Frankly, I think the secret prison business is going to go the way of the Dodo bird. I think that even so-called friendly states are going to find that they are taking too much heat, if they do that sort of thing.

EIR: The Administration has made this big hoopla about Khalid Sheikh Muhamed and the trials, that this is going to bring these guys to justice. Do you in fact think that will ever happen?

Hitz: Well, it's going to be interesting to try to figure what evidence they would use, assuming they go through a Military Commission process, as constituted by the newly passed bill, I'm not sure they're going to be able to get in evidence that has become available through a coerced interrogation. I think there will be some hard questions asked. Maybe they have independent evidence to support all this, and I hope that they do, because I do think they should be brought to justice. But I wouldn't think that the outcome of this is foreordained at all.

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