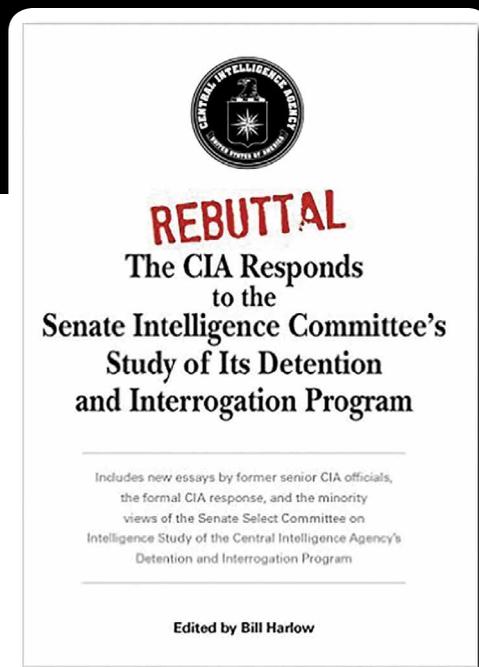


Rebuttal

The CIA Responds to the Senate Intelligence Committee's Study of Its Detention and Interrogation Program

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John G. Breen, PhD

In early December 2014, the Senate Select Committee on Intelligence (SSCI) released its report on the Central Intelligence Agency's (CIA) Detention and Interrogation Program, concluding that the use of enhanced interrogation techniques (EITs) was brutal and ineffective, and that the CIA misrepresented the program's effectiveness to executive and legislative oversight, as well as to the public. CIA Director John Brennan released a statement the same day: "While we made mistakes, the record does not support the study's inference that the agency systematically and intentionally misled each of these audiences on the effectiveness of the program."¹ More than a year prior, the CIA had offered a highly detailed and introspective response to the SSCI investigation, which highlighted points of agreement, admitted failures, and pushed back on certain findings. Brennan noted in his introductory letter to this response, "I personally remain firm in my belief that [EITs] are not an appropriate method to obtain intelligence and that their use impairs our ability to continue to play a leadership role in the world."²

In *Rebuttal: The CIA responds to the Senate Intelligence Committee's Study of Its Detention and Interrogation*

Program, editor Bill Harlow reprints the declassified CIA response to the SSCI report from 2013, along with the SSCI's Republican minority response. The CIA response document in particular is worthy of a careful read. *Rebuttal* also includes essays written by senior CIA officials involved with the program—former directors George Tenet, Porter Goss, and Michael Hayden; former deputy directors John McLaughlin and Michael Morell; former counterterrorism deputy director J. Philip Mudd; former acting general counsel John Rizzo; and former counterterrorism center director Jose Rodriguez.

To his credit, Tenet does make an effort in his essay to address the ethical and moral challenges involved with the design and implementation of such a program. He also attempts to argue the "ticking time bomb" scenario, citing his not unreasonable fears of a "detonation of a weapon of mass destruction on American soil," and noting that he briefed President Bush about "reporting that indicated a nuclear weapon had been smuggled into the United States destined for New York City." Yet he goes on to say, paradoxically, that he later suspended the program at a time of "heightened threat" in order to ensure legal protections for the agency and its employees—"the

law was more important than interrogations.” A noble sentiment, and one for which CIA employees owe him greatly, but if you can so readily identify the moral hazards and cite the threat of imminent nuclear annihilation as justification for EITs, how can you suggest that lawyerly cover is even more important? It would have been useful to hear more from Tenet on how to resolve this apparent contradiction.

Goss, who prior to serving as CIA director was the chairman of the House Permanent Select Committee on Intelligence, bemoans partisan agendas and presents ad hominem attacks against his legislative colleagues—“the members of the ‘select’ oversight committees are not always selected for their understanding of the intelligence community.” According to *Rebuttal* coauthor John Rizzo, as detailed in his previously published book *Company Man*, perhaps they would have had a better understanding had Goss briefed them properly.

According to Rizzo, Goss failed to inform Congress that videotape records of waterboarding had been destroyed: “So please tell me, I asked, ‘that you briefed the intelligence committee leaders about the destruction and that there’s a record somewhere of that briefing.’ There was a pause, and then Porter said, ‘Gee, I don’t remember ever telling them. I don’t think there was ever the right opportunity to do it.’ My heart sank. It was the ultimate nightmare scenario.”³

J. Philip Mudd offers a thoughtful essay on the value of detainee reporting. He explains the importance of gaining a “decision advantage”—that the accumulation of insights garnered from the detainees vice any “silver bullet” led to a greater understanding of al-Qaida and

aided in efforts to protect the homeland and remove terrorist leadership from the battlefield.

As for the remaining essays, McLaughlin again invokes the ticking time bomb scenario, Morell complains about the press, Rizzo focuses on the legal details, and Hayden spends some time attempting to explain the fine difference between slamming a detainee’s head against a wall and “pushing a detainee’s shoulders into a false plywood wall.” Rodriguez, doubling down on his book *Hard Measures*, attempts to claim that CIA waterboarding, as it was the same technique used in U.S. military survival, evasion, resistance, and escape training, could not have been equated to the waterboarding conducted during the “Spanish Inquisition, or by the Japanese during World War II, or the Khmer Rouge in Cambodia.”⁴ Rodriguez seems not to understand the irony of citing these examples to bolster his case.

Most of us can be grateful we did not have to make the hard decisions these former senior leaders were forced to consider, imposed on them, in effect, by terrorists seeking to end our way of life. Several led the agency at a time of extreme crisis, and their decisions are certainly prone to unfair, rearview-mirror judgment. However, other than the contribution by Mudd, their essays do little to press the discussion forward. Their efforts to “rebut” generally amount to the rehashing of previous complaints and quibbling—lack of context, political partisanship, and, most repetitively, that the SSCI conducted no interviews of CIA officials. If their writing reflects the full depth of their thinking on the issue, it seems not much would have been gained had the SSCI actually conducted the interviews. ■

Biography

John G. Breen, PhD, is the Commandant’s Distinguished Chair for National Intelligence Studies at the U.S. Army Command and General Staff College, Fort Leavenworth, Kansas.

Notes

1. John Brennan, “Statement from Director Brennan on the SSCI Study on the Former Detention and Interrogation Program,” Central Intelligence Agency (CIA) website, 9 December 2014, accessed 29 July 2016, <https://www.cia.gov/news-information/press-releases-statements/2014-press-releases-statements/statement-from-director-brennan-on-ssci-study-on-detention-interrogation-program.html>.

2. CIA Director John O. Brennan, memorandum for the Honorable Dianne Feinstein and the Honorable Saxby Chambliss, 27

June 2013, CIA Comments on the Senate Select Committee on Intelligence Report on the Rendition, Detention, and Interrogation Program, accessed 29 July 2016, https://www.cia.gov/library/reports/CIAs_June2013_Response_to_the_SSCI_Study_on_the_Former_Detention_and_Interrogation_Program.pdf.

3. John Rizzo, *Company Man* (New York: Scribner, 2014), 23.

4. Jose A. Rodriguez, *Hard Measures* (New York: Threshold Editions, 2012), 53.