

# Democrats' Misplaced Outrage Over Gina Haspel

by A.J. Caschetta



The Democrats' outrage over Gina Haspel's candidacy for Director of the Central Intelligence Agency is based on three erroneous assumptions: first, the belief that the CIA engaged in a thinly-veiled torture program against Al-Qaeda detainees; second, the belief that the program accomplished nothing; and third, the belief that CIA officers (Haspel included) destroyed video recordings of interrogations in order to hide what they were up to.

First, the Enhanced Interrogation Techniques (EIT) program was designed specifically not to be torture. James E. Mitchell and John Bruce Jessen, both former Air Force Officers with Ph.D.s in psychology, based the program loosely on the military's Survival, Evasion, Resistance, and Escape (SERE) program. John

Yoo, deputy assistant attorney general in the Bush administration's Office of Legal Council (OLC), was tasked with ensuring that every technique was legal and did not cross the line into torture. What went on in the program was legal and should not be confused with the abuses committed by military police at Abu Ghraib prison in Iraq.

There were three levels of techniques in the EIT program. Conditioning techniques, designed to disorient a detainee, included dietary manipulation, sleep deprivation and enforced nakedness. Corrective techniques represented an escalation in physical contact, designed to make a detainee fear that even greater escalations would follow non-compliance. Corrections included the "attention grasp," "facial hold" and "insult slap." The coercive techniques received the most attention. They included things like "walling," manipulation of a detainee's fears, and the most coercive of the bunch, waterboarding.

The "walling" technique demonstrates the degree of regulation and oversight involved in the program and proves that its designers sought to *avoid* inflicting physical damage – the very opposite of torture. The "walling wall" design was taken from the television wrestling floor designs – a flexible piece of quarter-inch plywood with plenty of give and a clapper suspended inside it to produce lots of noise. The idea was to scare, not maim. When oversight physicians thought that whiplash might occur, detainees were required to be arm's length from the wall. When that didn't satisfy physicians, detainees were fitted with a neck brace, just in case. This new precaution secured the safety of the detainee but also removed the element of fear, so the CIA eventually stopped walling.

Waterboarding was the most severe of the coercive techniques. Only three enemy combatants were water-boarded: Abu Zubayda, Khalid Sheikh Mohammed, and Rahim abd al-Nashiri. Thousands of American soldiers, sailors and marines have been water-

boarded. Dozens of journalists had themselves water-boarded in order to write authoritatively on the subject, which, as [Jack Kelly put it](#), “supports the argument that waterboarding isn’t torture. No journalists have volunteered to have their fingernails pulled out or electrodes attached to their genitals.” And yet nearly every media figure, from [Shepard Smith](#) at Fox News to [Whoopi Goldberg](#) at ABC, and most Democrats in congress, insist on calling waterboarding torture and then extending the conceit to paint the entire EIT program as torture.

To her credit, Haspel said “I don’t believe that torture works,” but she also never concurred with the Senators’ assertion that the EIT program amounted to torture.

The second falsehood resurrected for the hearing was the familiar argument that the EIT program produced no new or important information. In fact, a great deal of important information came from it.

In a [letter](#) to the *Wall Street Journal*, three former CIA directors (George J. Tenet, Porter J. Goss and Michael V. Hayden) and three deputy directors (John E. McLaughlin, Albert M. Calland and Stephen R. Kappes) list three areas of success:

- “It led to the capture of senior al Qaeda operatives, thereby removing them from the battlefield.
- It led to the disruption of terrorist plots and prevented mass casualty attacks, saving American and Allied lives.
- It added enormously to what we knew about al Qaeda as an organization and therefore informed our approaches on how best to attack, thwart and degrade it.”

In the days after the Senate Intelligence Committee’s hearing, many observed that John Brennan outranked Gina Haspel during the EIT era, yet he faced no such opposition in his hearings to become CIA Director. But a better point about Brennan is

that he too confirmed the EIT program's success: "the detainees who were subjected to enhanced interrogation techniques provided information that was useful and was used in the ultimate operation to go against Bin Laden," [Brennan said](#) in 2014.

Senators Diane Feinstein (D-CA), Mark Warner (D-VA), Angus King (I-MN), and Jack Reed (D-RI) each grilled Haspel last week and all but Warner oppose her candidacy, yet each [voted](#) to confirm John Brennan in 2013. Likewise John McCain (R-AZ) has thrown his considerable moral weight against Haspel and is encouraging Republicans to vote against her, yet McCain too voted to confirm Brennan.

Leon Panetta, Obama's CIA Director from 2009 to 2011 and his Secretary of Defense from 2011 to 2013, also [acknowledged](#) that "At bottom, we know we got important, even critical intelligence from individuals subjected to these enhanced interrogation techniques."

The third error on display concerned the destroyed videotapes. Sen. Diane Feinstein faulted Haspel for colluding with Jose Rodriguez, chief of the CIA's Counterterrorism Center, to destroy the taped interrogations of "92 detainees." Feinstein got this wrong: in fact there were 92 tapes of only one detainee – Abu Zubayda. Since CIA "secrets" were leaking frequently during the Bush presidency, and Rodriguez knew that the videos showed the undisguised faces of the interrogators, he feared that the tapes might some day imperil the lives of those involved, so he pushed for the approval to destroy them. In order to preserve a record of the tapes without actually preserving them, the CIA's chief of the Litigation Division, John McPherson, watched every minute and wrote detailed descriptions. Rodriguez writes in [Hard Measures](#) (2012) that he had permission to destroy the tapes. John Rizzo, former CIA chief legal officer, writes in [Company Man](#) (2014) that Rodriguez really didn't have permission.

Rodriguez's instincts were, of course, correct. In 2009 the John Adams Project, a joint effort of the American Civil Liberties Union and the National Association of Criminal Defense Lawyers, began [showing pictures](#) of CIA officers to GITMO detainees in an effort to identify and then "out" them. What would they have done with videos of Zubayda being water-boarded?

Those who believe that the EIT program crossed the line into torture might consider the so-called [ticking time-bomb scenario](#). As the CIA Directors and Deputy Directors put it:

- "We had certain knowledge that bin Laden had met with Pakistani nuclear scientists and wanted nuclear weapons.
- We had reports that nuclear weapons were being smuggled into New York City.
- We had hard evidence that al Qaeda was trying to manufacture anthrax. It felt like the classic 'ticking time bomb' scenario – every single day."

Even John McCain, whose opposition to the EIT program largely ended it, has [said](#) that in such situations, you "do what you have to do." Now McCain opposes Haspel's candidacy and is urging others because her "refusal to acknowledge torture's immorality is disqualifying." Again, had McCain paid closer attention he would have noticed that Haspel did in fact acknowledge that torture is immoral; she just didn't concede to the claim that the CIA's program was equal to torture.

Another situational ethicist, from the other side of the aisle, Chuck Schumer [observed](#) in 2004 that "it's easy to sit back in the armchair and say that torture can never be used. But when you're in the foxhole, it's a very different deal." Many in the CIA and the Bush administration have argued that for at least a full year after 9/11, the nation was in a foxhole, facing dangers never faced before.

Since the EIT program ended over a decade ago, and since Gina

Haspel was not in a senior leadership position during the years it was operating, most of the grandstanding at her hearing last week was a preview of the Democrat's 2020 primary candidates as much as it was a hearing about the next director of the CIA. And of all the moral high-grounding on display by Senate Democrat interrogators, Kamala Harris of California singled herself out by repeatedly asking Haspel if she believed the EIT program was "immoral" and scolding her for failing to give "a yes-or-no answer." It was a question designed to be unanswerable, dangled out in the hopes of eliciting a "gotcha" sound bite conducive to Sen. Harris' presidential aspirations. If Haspel had said "no" then she would have been accused of affirming the morality of everything the CIA did from 9/11 until Obama was elected, and if she had said "yes" she would be pilloried as a low-level functionary going along with orders she knew were wrong. She was smart to assert that "I believe that CIA did extraordinary work to prevent another attack on this country, given the legal tools that we were authorized to use."

Senator Harris should spare us all the haughty indignation. No CIA Director will ever again expose her officers to the whims of a fickle congress and a hostile media. But what will happen the next time the US faces a ticking time-bomb scenario, especially with a Democratic congress or president?

*A.J. Caschetta is a Ginsburg-Ingerman fellow at the Middle East Forum and a senior lecturer at the Rochester Institute of Technology.*