

# CIA director testifies behind closed doors on destroyed tapes

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CIA Director Michael Hayden testified before a closed session of the Senate Intelligence Committee Tuesday on the agency's destruction of videotapes showing American agents torturing two detainees.

The decision to hold the hearing behind closed doors is emblematic of the continuing cover-up of illegal acts that rise to the level of war crimes and in which all of official Washington is now implicated.

Hayden is to provide similarly secret testimony to the House intelligence panel on Wednesday.

The obvious question raised by these hearings is why the Democratic congressional leaders chose to shield the CIA from public scrutiny and why they preferred to keep their own comments and questions secret from the American people.

Hayden and other intelligence officials have frequently been called to testify on matters such as the National Security Agency's secret domestic spying operation, with the intelligence committee convening in open session to air the issues and then going into closed session for questions that the CIA or other agencies insist must remain classified.

In the case of the torture tapes, however, it has already become clear that not only are the CIA, the Justice Department and the White House facing damning revelations and potential criminal inquiries, but leading Democrats themselves were well aware of both the methods of torture used as well as the subsequent destruction of evidence.

The fact that in 2005 the CIA destroyed at least two videotapes documenting the interrogation and torture of two men detained in the agency's secret prison network was revealed last week by the *New York Times* and confirmed by Hayden. The CIA director claimed in a letter to agency employees that the interrogation techniques shown in the tapes were "lawful, safe, and effective," and—incredibly—that the tapes themselves were destroyed because "it was determined they were no longer of intelligence value and not relevant to any internal, legislative, or judicial inquiries."

Hayden claimed that the principal reason for destroying the videotapes was that they posed a "security risk" to the CIA operatives shown inflicting the torture, because they could be identified and made targets for retaliation by Al Qaeda sympathizers.

As the secret hearings convened on Capitol Hill, former CIA operative, John Kiriakou, who led a team that captured Al Qaeda suspect Abu Zubaydah—whose interrogation and torture was

captured on one of the tapes—continued to speak to the media Tuesday.

Kiriakou has confirmed that Zubaydah was subjected to waterboarding, in which the victim is brought to the brink of death through simulated drowning. It was a method employed by the Nazis in Germany and has been recognized as torture and outlawed within the US military for over a century.

The main thrust of Kiriakou's statements—which have all the earmarks of a public relations campaign launched from within the US spy agency itself—has been that the torture methods employed by CIA operatives were carried out at the direct behest of the highest levels of the US government, including the Bush White House.

In an interview Tuesday on NBC's "Today" show, Kiriakou was asked, "was the White House involved" in the decisions to employ torture?

"Absolutely," he replied. "This isn't something done willy-nilly. This isn't something where an agency officer just wakes up in the morning and decides he's going to carry out an enhanced technique on a prisoner. This was a policy made at the White House, with concurrence from the National Security Council and Justice Department."

Shown a tape of a September 2006 interview in which Bush claimed that he ordered US operatives to "get information without torture, and was assured by our Justice Department that we were not torturing," Kiriakou's responded, "I disagree."

While the testimony of the ex-CIA agent represents a damning indictment of the White House and its responsibility for acts classified under international law as war crimes, much of the mass media's response has been to emphasize Kiriakou's claim that the waterboarding of Zubaydah was effective and elicited vital information that "saved lives." The perverse effect is to renew the public debate in the US about whether torture is permissible.

Bush made the same claim about the interrogation of Zubaydah, but neither he nor anyone else has pointed to a specific terrorist plot that was foiled as a result of the information extracted under torture. Kiriakou acknowledged Tuesday that the information gleaned from the detainee did not involve any concrete threats to the US itself.

At a press briefing Tuesday, White House press secretary Dana Perino responded to questions about the CIA torture tapes and Kiriakou's statements by declaring: "It's no secret that the president approved a lawful program in order to interrogate

hardened terrorists. We do not torture. We also know that this program has saved lives by disrupting terrorist attacks.” Asked about Kiriakou’s testimony concerning the use of waterboarding, Perino repeated her standard refusal to speak about “any specific technique.”

Meanwhile, the *New York Times* cited an unnamed former intelligence official as stating that the destruction of the videotapes had been carried out after CIA lawyers provided written approval. The article also stated that the action followed “nearly two years of debate among government agencies about what to do with the tapes.”

According to the former official, the CIA had repeatedly asked the White House for definite instructions on what to do with the videotapes and was never given a direct order to preserve them.

“They never told us, ‘Hell no,’” the former official told the paper. “If somebody had said, ‘You cannot destroy them,’ we would not have destroyed them.”

The clear implication is that the tapes were destroyed with the tacit approval of the White House, which was every bit as anxious as the CIA itself to destroy evidence of criminal activity that was carried out under Bush’s orders and that could be prosecuted under both US and international law.

Bush, as is often the case, pleaded ignorance in the matter. In an interview with ABC News Tuesday, the US president claimed he knew nothing about either the CIA videotapes or their destruction until Hayden briefed him last week.

“There’s a preliminary inquiry going on and I think you’ll find that a lot more data, facts will be coming out,” Bush said. “That’s good. It will be interesting to know what the true facts are.”

The “preliminary inquiry” he referred to is being carried out by the CIA itself, together with the Justice Department. As Hayden has indicated, the CIA officially regards waterboarding as completely lawful, while the Justice Department drafted the legal memos justifying the CIA’s torture and illegal detention programs. Its new chief, Attorney General Michael Mukasey, refused during his Senate confirmation hearings last month to state whether he believed waterboarding was a form of torture or not. At a news conference Tuesday, he told reporters that he has still not determined his attitude to the barbaric practice.

“I think the Justice Department is capable of doing whatever it appears needs to be done,” Mukasey said in relation to the tapes investigation. “The question of a special prosecutor is the most hypothetical of hypotheticals, and that isn’t going to be faced until it happens. And if it has to be, it will be.”

In a letter sent Monday to the Justice Department, Senators Patrick Leahy, chairman of the Senate Judiciary Committee, and Arlen Specter, the ranking Republican on the panel, fired off a series of questions about the department’s own involvement—and that of the White House—in the question of the videotapes.

“Did Department officials or attorneys communicate views on the advisability or legality of destroying the tapes?” the letter reads. “When and how did Department officials or attorneys become aware that videotapes were destroyed? What communication has the Department had with the White House about the existence, plan to destroy, and destruction of the videotapes? With whom, how, and when were there any

communications between the Department and the White House about these matters?”

The Democrats in Congress are split over the issue of a special prosecutor. Senator Joseph Biden of Delaware, a candidate for the Democratic presidential nomination and chairman of the Senate Foreign Relations Committee, has called for one to be appointed, citing Mukasey’s attitude towards waterboarding during his confirmation hearings.

Senator Jay Rockefeller of West Virginia, the Democratic head of the intelligence panel that brought Hayden in for the secret hearing Tuesday, has publicly opposed the appointment of a special counsel, insisting that the House and Senate intelligence committees are able to conduct an investigation.

Senate Majority Leader Harry Reid (Democrat, Nevada) sought to bridge the divide Tuesday, declaring in a speech from the Senate floor, “The CIA, the Justice Department, the Bush White House and every American should know that if these investigations [by the Justice Department and the congressional committees] encounter resistance or are unable to find the truth, I will not hesitate to add my voice to those calling for a special counsel.”

The issues emerging around the destruction of the torture videotapes—criminal activity directed from the White House, the destruction of evidence, obstruction of justice and the calls for a special prosecutor—contain a distinct echo of the Watergate crisis of 1973-74 that led to the downfall of the Nixon presidency.

Yet the Democratic Party is itself implicated in these crimes, having repeatedly voted to grant Bush the extraordinary powers to carry out military aggression, and attacks on democratic rights in the name of a “global war on terror.”

Moreover, according to the *Washington Post*, leading Democrats were informed about the torture methods employed by the CIA as well as about the videotapes and the decision to destroy them. The paper reported Sunday that they received “about 30 private CIA briefings, some of which included descriptions of waterboarding, overseas rendition sites” and illegal forms of torture. The *Post* quoted officials who were present at some of these sessions as saying the Democratic lawmakers—including current House Speaker Nancy Pelosi of California—reacted with “not just approval, but encouragement.”

Given the complicity of the Democrats, the ostensible opposition party, exposure of torture and other crimes carried out by the Bush administration, and bringing those responsible to account, depends ultimately on the emergence of a new independent political movement of the American working class in struggle against both parties and the profit system that they defend.



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