

# Former head of CIA operations defends torture, obstruction of justice

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In a book coming out next week, Jose Rodriguez, the former head of the CIA's clandestine operations directorate, delivers an unequivocal defense of torture and of his order to destroy tapes recording the agency's crimes.

Rodriguez's book, titled *Hard Measures: How Aggressive CIA Actions After 9/11 Saved American Lives*, will hit bookstores after the airing of an exclusive interview with him by CBS's "60 Minutes" on Sunday night.

The appearance of this book, which like all writings of former CIA officials had to get pre-publication clearance from the agency, is one more indication of the absolute impunity enjoyed by those who carried out torture and other crimes under the George W. Bush administration, from the former president on down.

As chief of the CIA's Directorate of Operations (since renamed as the National Clandestine Service), the branch of the agency that carries out covert operations, Rodriguez was directly in charge of the program of extraordinary rendition under which those abducted in the "war on terror" were taken to so-called "black sites," secret overseas prisons, for interrogation under torture.

Using the euphemism of "enhanced interrogation techniques," the CIA carried out a whole range of torture of its detainees, ranging from waterboarding to beatings, sexual humiliation, imprisonment in dark boxes for prolonged periods, stress positions and exposure to extreme heat, cold and noise.

Rodriguez defends these loathsome practices unconditionally, while stressing that every section of the American political establishment was implicated in the CIA's crimes. "I am certain, beyond any doubt, that these techniques, approved at the highest levels of the U.S. government, certified by the Department of Justice, and briefed to and supported by bipartisan leadership of congressional intelligence oversight committees, shielded

the people of the United States from harm and led to the capture of killing of Osama bin Laden."

There is no evidence that torture produced information leading to the assassination of Bin Laden. However, it has been established that, far from "shielding" the American people or "saving lives," much of this secret program was aimed at producing a pretext for war against Iraq by forcing false confessions out of the agency's detainees that the regime of Saddam Hussein was in league with Al Qaeda.

The book is also entirely unapologetic about Rodriguez's decision to destroy 92 videotapes recording the 2002 waterboarding and other forms of torture of Abu Zubaydah, who the CIA initially described as Al Qaeda's chief of operations, responsible for planning the 9/11 attacks. Zubaydah was waterboarded 83 times in the space of a month, beaten and tortured to the extent that his lawyer describes him as having suffered permanent brain damage with his "mental grasp ... slipping away."

Last September, in response to a habeas corpus filing demanding justification for his continued imprisonment at the Guantanamo Bay detention camp in Cuba, the government acknowledged that Zubaydah had "no direct role in or advance knowledge of" the 9/11 attacks and was neither a member in nor even "formally" associated with Al Qaeda.

Rodriguez claims in the book that he decided that the videotapes should be destroyed after his superiors in the agency had gone back and forth on what should be done with them. "I wasn't going to sit around another three years waiting for people to get up the courage," to order the tapes' destruction, he writes.

In this, his first public comment on the destruction of the videotapes, Rodriguez offers the self-serving claim that his principal consideration was the safety of CIA agents who could be identified from the tapes as Zubaydah's torturers.

“We knew that if the photos of CIA officers conducting authorized EIT [enhanced interrogation techniques] ever got out, the difference between a legal, authorized, necessary, and safe program and the mindless actions of some MPs [military police] would be buried by the impact of the images,” he writes. “The propaganda damage to the image of America would be immense. But the main concern then, and always, was for the safety of my officers.”

This version of his motivation is contradicted, however, by an internal CIA email obtained by the American Civil Liberties Union in 2010. It reads:

“Jose raised with [CIA Chief Porter Goss]...and explained that he (Jose) felt it was extremely important to destroy the tapes ... As Jose said, the heat from destroying is nothing compared to what it would be if the tapes ever got into the public domain—he said that out of context, they would make us look terrible; it would be ‘devastating’ to us.”

In other words, the decision was taken not to protect CIA interrogators, but rather to shield the agency and Rodriguez himself from public outrage and potential criminal prosecution.

Claiming that notes taken on the tapes had recorded their contents, Rodriguez dismisses the importance of his action, writing: “I was not depriving anyone of information about what was done or what was said. I was just getting rid of some ugly visuals that could put the lives of my people at risk.”

This “getting rid of some ugly visuals” constituted a criminal offense involving both obstruction of justice and contempt of court.

US federal courts, the 9/11 Commission and the Senate Judiciary Committee had all directly ordered the US government to preserve and turn over all evidence involving the interrogation of the war on terror detainees. This included, in some cases, specific demands for videotapes.

The destruction of the tapes was first publicly reported by the *New York Times* in December 2007 in an article that identified Rodriguez as the official directly responsible.

In January 2008, Bush’s attorney general, Michael Mukasey, appointed Connecticut federal prosecutor John Durham to initiate a criminal investigation of the destruction of the tapes.

After nearly three years of this investigation and with the five-year statute of limitations from the 2005 offense set to expire, the Obama administration Justice

Department announced in November 2010 that the investigation was being wound up with no charges filed.

The refusal to bring any charges against Rodriguez was part of Obama’s stated policy of “looking forward” and not back at the crimes of the Bush administration. This policy, which has included the systematic intervention of the Justice Department to quash any cases seeking accountability for torture, rendition and illegal domestic spying, has made the Democratic administration fully complicit in these crimes. At the same time, Obama has continued and expanded upon them by keeping Guantanamo open, resuming military tribunals and asserting the right to subject both foreigners and US citizens alike to indefinite military detention and assassination.

While Rodriguez is free and able to write his book thanks to the protection provided by the Obama administration, he isn’t voicing any gratitude. The book, put out by Threshold, a right-wing arm of Simon & Schuster, the CBS Corporation’s publishing firm, denounces Obama for having stated the fact—accepted by the US military since the Spanish-American War—that waterboarding constitutes torture.

“I cannot tell you how disgusted my former colleagues and I felt to hear ourselves labeled ‘torturers’ by the president of the United States,” Rodriguez writes, evidently with an eye toward the 2012 election.

Almost as significant as the book itself is the sparse coverage it has received. The near silence reflects the complicity in and indifference toward the crime of torture and the lawlessness of the US military and intelligence apparatus on the part of the American ruling elite, both its political parties and the media.



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