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In Adopting Harsh Tactics, No Inquiry Into Their Past Use

By [SCOTT SHANE](#) and [MARK MAZZETTI](#)

WASHINGTON — The program began with [Central Intelligence Agency](#) leaders in the grip of an alluring idea: They could get tough in terrorist [interrogations](#) without risking legal trouble by adopting a set of methods used on Americans during military training. How could that be torture?

In a series of high-level meetings in 2002, without a single dissent from cabinet members or lawmakers, the United States for the first time officially embraced the brutal methods of interrogation it had always condemned.

This extraordinary consensus was possible, an examination by The New York Times shows, largely because no one involved — not the top two C.I.A. officials who were pushing the program, not the senior aides to President [George W. Bush](#), not the leaders of the Senate and House Intelligence Committees — investigated the gruesome origins of the techniques they were approving with little debate.

According to several former top officials involved in the discussions seven years ago, they did not know that the military training program, called SERE, for Survival, Evasion, Resistance and Escape, had been created decades earlier to give American pilots and soldiers a sample of the torture methods used by Communists in the Korean War, methods that had wrung false confessions from Americans.

Even [George J. Tenet](#), the C.I.A. director who insisted that the agency had thoroughly researched its proposal and pressed it on other officials, did not examine the history of the most shocking method, the near-drowning technique known as [waterboarding](#).

The top officials he briefed did not learn that waterboarding had been prosecuted by the United States in war-crimes trials after World War II and was a well-documented favorite of despotic governments since the Spanish Inquisition; one waterboard used under [Pol Pot](#) was even on display at the genocide museum in Cambodia.

They did not know that some veteran trainers from the SERE program itself had warned in internal memorandums that, morality aside, the methods were ineffective. Nor were most of the officials aware that the former military psychologist who played a central role in persuading C.I.A. officials to use the harsh methods had never conducted a real interrogation, or that the Justice Department lawyer most responsible for declaring the methods legal had idiosyncratic ideas that even the Bush Justice Department would later renounce.

The process was “a perfect storm of ignorance and enthusiasm,” a former C.I.A. official said.

Today, asked how it happened, Bush administration officials are finger-pointing. Some blame the C.I.A., while some former agency officials blame the Justice Department or the White House.

[Philip D. Zelikow](#), who worked on interrogation issues as counselor to Secretary of State [Condoleezza Rice](#) in 2005 and 2006, said the flawed decision-making badly served Mr. Bush and the country.

“Competent staff work could have quickly canvassed relevant history, insights from the best law enforcement and military interrogators, and lessons from the painful British and Israeli experience,” Mr. Zelikow said. “Especially in a time of great stress, walking into this minefield, the president was entitled to get the most thoughtful and searching analysis our government could muster.”

After years of recriminations about torture and American values, Bush administration officials say it is easy to second-guess the decisions of 2002, when they feared that a new attack from [Al Qaeda](#) could come any moment.

If they shunned interrogation methods some thought might work, and an undetected bomb or bioweapon cost thousands of lives, where would the moral compass point today? It is a question that still haunts some officials. Others say that if they had known the full history of the interrogation methods or been able to anticipate how the issue would explode, they would have advised against using them.

This account is based on interviews with more than two dozen current and former senior officials of the C.I.A., White House, Justice Department and Congress. Nearly all, citing the possibility of future investigations, shared their recollections of the internal discussions of a classified program only on condition of anonymity.

Leaked to the news media months after they were first used, the C.I.A.'s interrogation methods would darken the country's reputation, blur the moral distinction between terrorists and the Americans who hunted them, bring broad condemnation from Western allies and become a ready-made defense for governments accused of torture. The response has only intensified since Justice Department legal memos released last week showed that two prisoners were waterboarded 266 times and that [C.I.A. interrogators](#) were ordered to

waterboard one of the captives despite their belief that he had no more information to divulge.

But according to many Bush administration officials, including former Vice President [Dick Cheney](#) and some intelligence officers who are critics of the coercive methods, the C.I.A. program would also produce an invaluable trove of information on Al Qaeda, including leads on the whereabouts of important operatives and on terror schemes discussed by Al Qaeda. Whether the same information could have been acquired using the traditional, noncoercive methods that the [Federal Bureau of Investigation](#) and the military have long used is impossible to say, and former Bush administration officials say they did not have the luxury of time to develop a more patient approach, given that they had intelligence warnings of further attacks.

[Michael V. Hayden](#), who served as C.I.A. director for the last two years of the Bush administration, devoted part of his last press briefing in January to defending the C.I.A. program. "It worked," Mr. Hayden insisted.

"I have said to all who will listen that the agency did none of this out of enthusiasm," he said. "It did it out of duty. It did it with the best legal advice it had."

A Program Takes Shape

When Mr. Bush assigned the C.I.A. with the task of questioning high-level Qaeda captives in late 2001, the agency had almost no experience interrogating the kind of hostile prisoners it soon expected to hold.

It had dozens of psychiatrists, psychologists, polygraphists and operations officers who had practiced the arts of eliciting information and assessing truthfulness. Their targets, however, were not usually terrorists, but foreigners offering to spy for the United States or C.I.A. employees suspected of misdeeds.

Agency officials, led by Mr. Tenet, sought interrogation advice from other countries. And, fatefully, they contacted the military unit that runs the SERE training program, the Joint Personnel Recovery Agency, which gives American pilots, special operations troops and others a sample of the brutal interrogation methods they might face as prisoners of war. Mr. Tenet declined to be interviewed.

By late 2001, the agency had contracted with James E. Mitchell, a psychologist with the SERE program who had monitored many mock interrogations but had never conducted any real ones, according to colleagues. He was known for his belief that a psychological concept called "learned helplessness" was crucial to successful interrogation.

Martin Seligman, a prominent professor of psychology at the [University of Pennsylvania](#) who had developed the concept, said in an interview that he was puzzled by Dr. Mitchell's notion

that learned helplessness was relevant to interrogation.

“I think helplessness would make someone more dependent, less defiant and more compliant,” Dr. Seligman said, “but I do not think it would lead reliably to more truth-telling.”

Still, forceful and brainy, Dr. Mitchell, who declined to comment for this article, became a persuasive player in high-level agency discussions about the best way to interrogate Qaeda prisoners. Eventually, along with another former SERE psychologist, Bruce Jessen, Dr. Mitchell helped persuade C.I.A. officials that Qaeda members were fundamentally different from the myriad personalities the agency routinely dealt with.

“Jim believed that people of this ilk would confess for only one reason: sheer terror,” said one C.I.A. official who had discussed the matter with Dr. Mitchell.

Overwhelmed with reports of potential threats and anguished that the agency had failed to stop the Sept. 11 attacks, Mr. Tenet and his top aides did not probe deeply into the prescription Dr. Mitchell so confidently presented: using the SERE tactics on Qaeda prisoners.

A little research on the origin of those methods would have given reason for doubt. Government studies in the 1950s found that Chinese Communist interrogators had produced false confessions from captured American pilots not with some kind of sinister “brainwashing” but with crude tactics: shackling the Americans to force them to stand for hours, keeping them in cold cells, disrupting their sleep and limiting access to food and hygiene.

“The Communists do not look upon these assaults as ‘torture,’ ” one 1956 study concluded. “But all of them produce great discomfort, and lead to serious disturbances of many bodily processes; there is no reason to differentiate them from any other form of torture.”

Worse, the study found that under such abusive treatment, a prisoner became “malleable and suggestible, and in some instances he may confabulate.”

In late 2001, about a half-dozen SERE trainers, according to a report released Tuesday night by the Senate Armed Services Committee, began raising stark warning about plans by both the military and the C.I.A. to use the SERE methods in interrogations.

In December 2001, Lt. Col. Daniel J. Baumgartner of the Air Force, who oversaw SERE training, cautioned in one memo that physical pressure was “less reliable” than other interrogation methods, could backfire by increasing a prisoner’s resistance and would have an “intolerable public and political backlash when discovered.” But his memo went to the Defense Department, not the C.I.A.

One former senior intelligence official who played an important role in approving the

interrogation methods said he had no idea of the origins and history of the SERE program when the C.I.A. started it in 2002.

“The agency was counting on the Justice Department to fully explore all the factors contributing to a judgment about legality, including the surrounding history and context,” the official said.

But it was the C.I.A. that was proposing the methods, and [John Yoo](#), the Justice Department official who was the principal author of a secret August 2002 memorandum that authorized the interrogation program, was mostly interested in making a case that the president’s wartime powers allowed for the harsh tactics.

A Persuasive Case

After the March 28, 2002, capture in Pakistan of the Qaeda operative [Abu Zubaydah](#) — the C.I.A.’s first big catch after Sept. 11 — Mr. Tenet told Ms. Rice, then the national security adviser, he wanted to discuss interrogation, several former officials said. At a series of small-group and individual briefings attended by Mr. Bush, Mr. Cheney, Ms. Rice and Attorney General [John Ashcroft](#), Mr. Tenet and his deputy, John McLaughlin, laid out their case.

They made a persuasive duo, former officials who heard their pitch recalled. Mr. Tenet, an extroverted former Congressional staff member, was given to forceful language about the threat from Al Qaeda, which he said might well have had operations under way involving biological, radiological or even nuclear weapons. Mr. McLaughlin, a career intelligence analyst, was low-key and cerebral, and some White House officials said they found his support for the methods reassuring.

In the briefings, Mr. Tenet said that after extensive research, the agency believed that only the methods he described — which he said had been used on thousands of American trainees — could extract the details of plots from hardened Qaeda fanatics.

“It was described as a program that was safe and necessary, that would be closely monitored by medical personnel,” a former senior official recalled. “And it was very much in the context of the threat streams that were just eye-popping at the time.”

Mr. Tenet’s descriptions of each proposed interrogation method was so clinical and specific that at one briefing Mr. Ashcroft objected, saying that cabinet officials should approve broad outlines of important policies, not the fine details, according to someone present. The attorney general later complained that he thought Mr. Tenet was looking for cover in case controversy erupted, the person said.

Ms. Rice insisted that Mr. Ashcroft not just pass along the conclusions of his Office of Legal Counsel, where Mr. Yoo worked, but give his personal assurance that the methods were legal under domestic and international law. He did.

The C.I.A. then gave individual briefings to the secretary of defense, [Donald H. Rumsfeld](#), and the secretary of state, [Colin L. Powell](#). Neither objected, several former officials said.

Mr. Cheney, whose top legal adviser, [David S. Addington](#), was closely consulting with Mr. Yoo about legal justification, strongly endorsed the program. Mr. Bush also gave his approval, though what details were shared with him is not known.

With that, the C.I.A. had the full support of the White House to begin its harshest interrogations. Mr. Bush and Mr. Cheney have never publicly second-guessed their decision. Though some former officials expressed regret that such a momentous decision was made so quickly without vital information or robust debate, none were willing to be quoted by name.

There was one more check on intelligence programs, one designed in the 1970s to make sure independent observers kept an eye on spy agencies: Congress. The Senate and House Intelligence Committees had been created in the mid-1970s to prevent any repeat of the C.I.A. abuses unearthed by the Senate's Church Committee.

As was common with the most secret programs, the C.I.A. chose not to brief the entire committees about the interrogation methods but only the so-called Gang of Four — the top Republican and Democrat on the Senate and House committees. The rest of the committee members would be fully briefed only in 2006.

The 2002 Gang of Four briefings left a hodgepodge of contradictory recollections that, to some Congressional staff members, reveal a dysfunctional oversight system. Without full staff support, few lawmakers are equipped to make difficult legal and policy judgments about secret programs, critics say.

Representative [Nancy Pelosi](#) of California, who in 2002 was the ranking Democrat on the House committee, has said in public statements that she recalls being briefed on the methods, including waterboarding. She insists, however, that the lawmakers were told only that the C.I.A. believed the methods were legal — not that they were going to be used.

By contrast, the ranking Republican on the House committee at the time, [Porter J. Goss](#) of Florida, who later served as C.I.A. director, recalls a clear message that the methods would be used.

"We were briefed, and we certainly understood what C.I.A. was doing," Mr. Goss said in an interview. "Not only was there no objection, there was actually concern about whether the agency was doing enough."

Senator Bob Graham, Democrat of Florida, who was committee chairman in 2002, said in an interview that he did not recall ever being briefed on the methods, though government officials with access to records say all four committee leaders received multiple briefings.

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Senator [Richard C. Shelby](#) of Alabama, the senior Republican on the committee, declined to discuss the briefings.

Vicki Divoll, general counsel of the Senate Intelligence Committee in 2002 and a former C.I.A. lawyer, would have been a logical choice to advise senators on the legal status of the interrogation methods. But because of the restricted briefings, Ms. Divoll learned about them only years later from news media accounts.

Ms. Divoll, who now teaches government at the [United States Naval Academy](#), said the interrogation issue revealed the perils of such restricted briefings.

“The very programs that are among the most risky and controversial, and that therefore should get the greatest congressional oversight,” she said, “in fact get the least.”

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