

**WASHINGTON AND THE WORLD****The CIA Is Still Running Amok**

I should know: I wrote the book on an agency gone rogue.

By TIM WEINER | December 10, 2014

At the time of the Sept. 11 attacks, every member of the agency's clandestine services had a handbook that said that the CIA does not engage in "human rights violations," which it defined as: "Torture, cruel, inhuman, degrading treatment or punishment, or prolonged detention without charges or trial."

When it came to torture, the CIA's officers had what they thought was a blank check from the White House, through its Office of Legal Counsel, and from the leaders of the agency itself, up to and including its directors. Like the *carte blanche* written by Cardinal Richelieu, minister of France, in Alexandre Dumas' *The Three Musketeers* ("It is by my order and for the good of the state that the bearer of this has done what he has done"), the license granted them could serve as an all-purpose alibi.

The idea that torture works might have convinced the makers of *Zero Dark Thirty*. Even some CIA commanders who knew or should have known better may still buy it.

But no one who reads the Senate report can conceivably swallow it.

The report painstakingly dissects 20 cases, “the most frequent and prominent examples of purported counterterrorism successes that the CIA has attributed to the use of its enhanced interrogation techniques,” and found the claim that torture worked to be wrong.

“In some cases, there was no relationship between the cited counterterrorism success and any information provided by detainees during or after the use of the CIA's enhanced interrogation techniques,” it says. “In the remaining cases, the CIA inaccurately claimed that specific, otherwise unavailable information was acquired from a CIA detainee ‘as a result’ of the CIA's enhanced interrogation techniques.”

So who changed the rules and the rationales to justify torture as an intelligence-gathering technique? And how is it possible that senior CIA officers insist that torture magically began to work after Sept. 11?

The answer to the first question is, sadly, the White House lawyers who came up with shaky theories of self-defense for the commander in chief. They had a precedent or two. In 1839, anti-British rebels planned to invade Canada by crossing the Niagara on a steamer. A British force entered the United States, set the ship ablaze and sent it over the falls. Two Americans were killed.

The secretary of state, Daniel Webster, said the British could justify sinking the ship and killing the Americans by proving “a necessity of self-defense, instant, overwhelming, leaving no choice of means, and no moment for deliberation.” There, in a nutshell, is a reasonable legal theory setting limits on capturing or killing a suspected terrorist.

But the CIA—and the White House—did have a moment for deliberation in the months and years after Sept. 11, after the great waves of fear of an imminent follow-on attack subsided. And it was in those months and years that senior CIA officers should have asked themselves if they had a choice of means that excluded torture and cruel, inhuman, degrading treatment or punishment.

They clearly did not have that deliberation. And now once again we must ask ourselves if we, as Americans, are capable of running a secret intelligence service in

an open, democratic society.

One lesson we may have learned in the years since the Sept. 11 attacks is that no terrorist group can damage or destroy the United States and its Constitution. Only we can do that to ourselves.

One further lesson between the lines of the Senate report bears repeating. The CIA is not “a rogue elephant,” in the deathless phrase of Senator Frank Church, who ran the pioneering congressional investigation of the agency four decades ago. If the beast tramples people, it’s the *mahout*, the elephant driver, who is to blame. There was clearly one person driving this program, whether he knew what the elephant was doing in his name or not.

The *mahout* in the Senate report is the president of the United States.

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