

April 29, 2009

MEMORANDUM FOR: The President

FROM: Veteran Intelligence Professionals for Sanity

SUBJECT: Torture

This memorandum is VIPS' first attempt to inform you on a major intelligence issue, as we did your predecessor; thus, some background might be helpful. Five former CIA officers established Veteran Intelligence Professionals for Sanity (VIPS) in January 2003, when we saw our profession being corrupted to justify an attack on Iraq. Since then, our numbers have grown to 70 intelligence professionals, mostly retired, who have served in virtually all U.S. civilian and military intelligence agencies.

In our first Memorandum for the President (George W. Bush), dated February 5, 2002, we provided a same-day commentary on Colin Powell's U.N. speech. We warned the president that "an invasion of Iraq would ensure overflowing recruitment centers for terrorists into the indefinite future [and that] far from eliminating the [terrorist] threat, it would enhance it exponentially."

We strongly urged the former president to widen the discussion on Iraq "beyond the circle of those advisers clearly bent on a war for which we see no compelling reason and from which we believe the unintended consequences are likely to be catastrophic." VIPS' second pre-war Memorandum for the President was titled, "Forgery, Hyperbole, Half-Truth: A Problem"-a reference to the bogus intelligence we saw being ginned up to "justify" war.

President Bush ignored our warning and the warnings of other informed individuals and groups. The corporate media uncritically echoed the Bush administration's misuse and misrepresentation of the intelligence, despite the questions raised-including those raised by our unique movement. (It was the first time an alumni group of intelligence officials had formed expressly to chronicle and to halt the corruption of intelligence.)

The cheerleading for war had begun-a war that would fit the post-WWII Nuremberg Tribunal's description of a "war of aggression." Nuremberg defined such a war as "the supreme international crime, differing from other war crimes only in that it contains within itself the accumulated evil of the whole."

Torture: An Accumulated Evil

Torture is one of those accumulated evils. Violating domestic laws like the Foreign Intelligence Surveillance Act of 1978 is another. You were right to unceremoniously jettison former CIA director Michael Hayden, who betrayed the thousands of NSA professionals who, until he directed that domestic law could be ignored, had adhered scrupulously to the 1978 FISA law as NSA's "First Commandment"-Thou Shalt Not Eavesdrop on Americans Without a Court Warrant.

In contrast, we believe you were badly misguided in giving a prominent White House post to former CIA director George Tenet's protégé John Brennan, who has publicly defended "extraordinary rendition" in full knowledge that its purpose was torture. Brennan also had complicit knowledge of the lengths to which Tenet conspired with the Department of Justice to distort history and the law in drafting opinions that attempted to "justify" torture.

With all due respect, Mr. President, it would be another mistake for you to believe what you are hearing from the likes of Brennan and Hayden and the journalists they have fed and domesticated. Please do not be deceived into thinking that most intelligence officials, past and present, condone torture—still less that they are angry that you have put a stop to such techniques. We are referring, of course, to what President Bush called "an alternative set of procedures" involving cruel, inhuman, and degrading treatment that violates domestic and international law. We focus on torture in the VIPS statement that follows these introductory remarks.

The Senate Armed Services Committee recently concluded that it was President Bush himself who, by Executive Memorandum of February 7, 2002 exempting al-Qaeda and the Taliban from Geneva protections, "opened the door" to the abuse that ensued. You need to know that the vast majority of intelligence professionals deplore "extraordinary rendition" and the other torture procedures that were subsequently ordered by senior Bush administration officials.

Sadly, President Bush was not the first chief executive to find a small cabal of superpatriots, amateur thugs, and contractors to do his administration's bidding. But never before in this country were lawless thugs given such free rein. The congressional "oversight" committees looked the other way.

Tenet and his acolytes successfully ingratiated themselves with President Bush, Vice President Dick Cheney, and the faux lawyers who devised what actually amounts to a very porous "legal" shield for those who carried out the torture. It was a shield designed for and applied exclusively to those "just following orders" at the CIA black sites, and not for the low-ranking soldiers doing similar things at Abu Ghraib.

Some of the latter have done time in prison; one is still there. It would appear that some are less equal than others. And, to this day, the organizers and apologists for torture have managed to escape the consequences of their actions.

No doubt you appreciate better than anyone that the official Department of Justice memoranda you insisted be released last week are a national disgrace. Worse still are the first-hand accounts by young soldiers at Guantanamo of perversions like "rape by instrumentality." You should be aware that this was a practice adamantly defended by former White House lawyers when Congress attempted to draft legislation expressly prohibiting it. Asked to explain their objection, Bush administration lawyers acknowledged that they were worried that such legislation might subject practitioners to prosecution under state and federal criminal statutes.

The Morale Myth

Finally, we want to address the self-serving myth being propagated by Brennan, Hayden, and others to the effect that exposing torture and other abuses would damage morale at the CIA and other intelligence agencies. You may recall that Hayden, while still CIA director, was already going around town telling folks he had warned you "personally and forcefully" that if you authorize an investigation into controversial activities like waterboarding, "no one in Langley will ever take a risk again." Hayden was blowing smoke, as we say in the trade, but also gravely insulting all those who have served, and continue to serve, with honor.

You need no help from us in interpreting Hayden's outrageous threat. But the red herring about damage to agency morale does need to be addressed. Just yesterday (April 28) former Vice President Walter Mondale, exposed the speciousness of that argument during an interview in Minneapolis. Mondale was one of the Senators on the Church Committee, which during the mid-Seventies unearthed the unlawful activities of COINTELPRO and other abuses by intelligence agencies.

Speaking from that experience, Mondale noted that concern over the effect on agency morale—a concern that is widely expressed now—was also voiced both before the Church investigation got under way and while it was proceeding. The concern proved totally unfounded, according to Mondale, as it quickly became apparent that agency personnel called before the Church Committee were thankful for the chance to get the truth out, get a heavy burden off their shoulders, and put the scandal behind them.

Most important, the truth that was brought to light made it possible for the country to resolve how national security issues should be addressed in the future. Much of that wisdom and many of the legal protections introduced at that time were simply disregarded by your predecessor and the people he picked to run his administration.

As for the need for holding people to account, Mondale had this to say:

"holding people responsible in some way for what happened is very important. If the verdict here is that you can do these kinds of things and there are no consequences, then that leaves a precedent. I've been around the federal government long enough to know that if there is a bad precedent, it's like leaving a loaded pistol on the kitchen table. You don't know who is going to pick it up and pull the trigger. There need to be consequences for violating the law."
