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Some of us pause on Good Friday to mark the torture and death of a high-value detainee rendered, extraordinarily, to Roman occupiers.

Although the charges against Jesus of Nazareth were trumped up, the Romans decided to err on the safe side by going to the “dark side.” They applied enhanced torture techniques with the ultimate hanging.

I try my best to follow the example set by that fellow from Nazareth. I do get beat up on occasion for “knowing where I stand and standing there,” as Dan Berrigan has told us. But I don’t expect to be tortured — much less hung up to die. Those things just happen to folks who don’t look like me.

In my worst nightmares I never dreamed that my country of birth, the country I love, would resort to torturing prisoners. Still less, did I expect my alma mater, Fordham University, to honor a person known to have championed kidnapping and torture (as well as illegal eavesdropping on Americans), [by inviting him](#) to give the commencement address.

What’s the big deal? I have been asked. Aren’t you proud to have a fellow Fordham alumnus at the right hand of the President as deputy national security adviser? When I answer, “Not proud, but shamed,” I am met with a quizzical look.

When the shock wears off, I realize this should come as no surprise. The findings of a Pew poll conducted three years ago should have accustomed me to the shame. Those polled were white non-Hispanic Catholics, white Evangelicals, and white mainline Protestants. A majority of those who attend church regularly (54 percent) said torture could be “justified,” while a majority of those not attending church regularly responded that torture was rarely or never justified.

I let myself wonder whether similar results might obtain, if a similar poll were conducted today at Fordham. And then I remembered that most of the college students at Fordham had not yet reached their teens, when President George W. Bush and Vice President Dick Cheney decided to resort to techniques developed for the Spanish Inquisition and honed by the Nazis — “enhanced” methods to use on suspected terrorists.

Here’s some background for those just coming of age — and a refresher for others — with particular attention to what you should know about John Brennan (College, 1977).

### **Brennan’s Role in Torture**

John Brennan had been CIA Director George Tenet’s chief of staff for two years when Tenet promoted him to be CIA’s Deputy Executive Director in March 2001. In that post he continued to function as one of Tenet’s closest aides – after the 9/11 attacks – as President Bush and Vice President Cheney ordered the CIA onto what Cheney (and later Brennan himself) came to call the “dark side.”

A Bush Executive Order of Feb. 7, 2002, made the highly dubious claim that al-Qaeda and Taliban detainees were not covered by Geneva Convention protections. And the order had consequences.

On Dec. 11, 2008, Sen. John McCain and Sen. Carl Levin released the summary of a Senate Armed Services Committee report, issued without dissent, indicating that Bush’s Feb. 7, 2002, Memorandum, had “opened the way to considering aggressive techniques.” And a report of the International Committee of the Red Cross, published in the spring of 2009, recounted in gory detail the torture of so-called “high-value” detainees.

However, back in the early days of the “war on terror,” Bush had to choose between rivals for “jurisdiction” and interrogation of such detainees. Tenet was able to use his daily sessions with Bush to win the battle over whether the CIA or the FBI should control the “dark-side” handling of “high-value” detainees. (To be absolutely clear, Tenet wanted it; he got it.)

Recently released [documents](#) provide chapter and verse about White House meetings in spring 2002 on the “high-value” detainees, including discussion of a “Guidebook to False Confessions.” The main objective was to determine which harsh interrogation techniques would be approved.

Last week, Philip Zelikow openly branded much of what was approved “torture.” This was something of a surprise, since Zelikow had been a very close confidant of Bush’s national security adviser (and later Secretary of State) Condoleezza Rice and is very protective of her.

Chairing the White House meetings on torture techniques, Rice famously sent off the malleable, affable, can-do Tenet with: “This is your baby, go do it.” And so he did.

Zelikow later worked for Rice as Counselor of the State Department, where in early 2006 he wrote a memo, the text of which has just been released, which identified several of the CIA interrogation techniques as illegal. Not surprisingly, all copies of that memo were ordered destroyed. But, alas, one was squirreled away, reportedly at State’s Bureau of Intelligence and Research. It is [now available](#) .

Brennan’s very close working relationship with then-CIA Director George Tenet on torture issues landed him in the room as Tenet’s aide when the “Principals” met in the White House on torture techniques. (It was not until 2003 that Tenet appointed Brennan to head the Terrorist Threat Integration Center, a unit also very much involved with the issue of interrogation.)

The “Principals” included Rice, Cheney, Secretary of State Colin Powell, Secretary of Defense Donald Rumsfeld, Attorney General John Ashcroft, and Tenet.

The evidence is overwhelming that Brennan was deeply involved not only in the discussion of various “enhanced interrogation techniques,” but also in the planning of the faux-legal memoranda from Ashcroft’s Justice Department.

Those “legal opinions” made it possible for George W. Bush to tell NBC’s Matt Lauer in November 2010 that waterboarding is legal “because the lawyer said it was legal. ... I’m not a lawyer, but you gotta trust the judgment of people around you and I do.”

Reports this week that the Polish government is going after Polish officials who allowed the CIA to establish a black site in Poland for “high-value” detainees brings to mind what Jane Mayer wrote in the New Yorker in 2007 about black sites:

“Among the few C.I.A. officials who knew the details of the detention and interrogation program, there was a tense debate about where to draw the line in terms of treatment. John Brennan, Tenet’s former chief of staff, said, ‘It all comes down to individual moral barometers.’ ...

“Setting aside the moral, ethical, and legal issues, even supporters, such as John Brennan, acknowledge that much of the information that coercion produces is unreliable. As he put it, ‘All these methods produced useful information, but there was also a lot that was bogus.’”

### **Brennan In His Own Words**

Perhaps the most damning evidence on Brennan’s role in torture, rendition (aka kidnapping), black prisons and such comes from his own mouth. Here are excerpts from the PBS “NewsHour” with Margaret Warner on Dec. 5, 2005:

MARGARET WARNER: This issue [rendition of terrorist suspects to third countries] and the separate one of reported secret CIA prisons in Eastern Europe is expected to come up during her [Condoleezza Rice’s] five-day European tour. ... So are renditions necessary and effective in fighting terrorism?

JOHN BRENNAN: I think it’s an absolutely vital tool. I have been intimately familiar now over the past decade with the cases of rendition that the U.S. Government has been involved in. And I can say without a doubt that it has been very successful as far as producing intelligence that has saved lives.

WARNER: So is it — are you saying both in two ways — both in getting terrorists off the streets and also in the interrogation?

BRENNAN: Yes. The rendition is the practice or the process of rendering somebody from one place to another place. It is moving them and the U.S. Government will frequently facilitate that movement from one country to another. ...

Quite frankly I think it's rather arrogant to think that we are the best in every case in terms of eliciting information from terror suspects. So other countries and other services have a long experience in dealing with this challenge because they are confronting terrorism on a day-to-day basis.

Oops!

Brennan later tried to square the circle in defending his role in this “dark side” business, in [an interview](#) with PBS's Frontline in 2006 in which he spoke directly of CIA Director Tenet's concern to have explicit legal approval for what Zelikow and many others now concede was torture. In fact, Brennan came close to making an “act of contrition,” saying:

“Hopefully, that ‘dark side’ is not going to be something that's going to forever tarnish the image of the United States abroad, and that we're going to look back on this time and regret some of the things that we did, because it is not in keeping with our values.”

After Obama assumed office, Brennan was one of those most fiercely opposed to Obama's release of the “torture memos,” lest they expose his own guilty knowledge and activist role. The Senate Intelligence Committee started looking into all this several years ago and, reportedly, is still doing so.

All this may be a large part of the reason that President-Elect Barack Obama was told that the

Committee already had enough on Brennan to make any confirmation process very painful, should Obama follow through with his original plan to nominate Brennan to be CIA Director.

### **Audacity of Hope**

Some of you may recall that I was privileged to be a passenger on the *Audacity of Hope*, the U.S. Boat to Gaza, last June. It was a tense time. Stuffing my backpack before flying to Athens, I got a familiar call from a puzzled friend, who said as gently as the words allow, “You know you can get killed, don’t you?”

This was not the first such expression of concern. From some others — who have zero interest in the plight of Gazans, and/or did not wish us passengers well — similar words carried an edge: “Aren’t you just asking for it?”

Before I left the U.S., I was pointedly disabused of any notion that the U.S. government would do something to protect us American citizens sailing on an American-flagged boat from the kind of violence used by the Israelis against a similar flotilla led by a Turkish boat in May 2010. As reported to me, the warning came from a source with access to senior officials at the National Security Council.

I was told that the Obama administration planned to do absolutely nothing to protect our boat from Israeli attack or illegal boarding, and that White House officials “would be happy if something happened to us.” They were, I was told, “perfectly willing to have the cold corpses of activists shown on American TV.”

Can you guess who was the ultimate source? Last week, I went back to my original source and asked if the source could tell me who uttered those words. The answer: John Brennan,

I included mention of that warning in an article I wrote before boarding the boat. The warning stretched credulity to the breaking point for a good friend, former UK Ambassador to Uzbekistan, Craig Murray, who blogged:

“While I know Ray to be an extremely honest man, I thought it was possible that his source was exaggerating. I therefore set my own diplomatic sources to work in Washington, without giving them any indication of Ray’s information.

“They came back with an independent report from a different source – close to Hillary Clinton rather than the White House – with exactly the same result of which Ray was warned. ... Fatalities would be ‘not a problem’ for Obama.”

That the macho, Israeli-friendly Brennan, turns out to be the White House policy official behind the official bluster surprises me not in the least, though it is nice, I suppose, to have confirmation.

As things turned out, Obama had the presence of mind to seek out and heed some adult advice. After trying unsuccessfully to extract a promise from Prime Minister Benjamin Netanyahu not to shoot us up, Obama decided to pressure the Greeks to deny us permission to sail for Gaza — which they did, holding their noses.

### **Blockade Legal or Illegal?**

Were we within our rights? Was/is Israel’s sea blockade of Gaza legal under international law? No. And that’s why, to its credit, the legal section of our Department of State will not prostitute itself by calling it legal.

On June 24, while we were stranded, literally, in Athens, State Department spokeswoman Victoria Nuland danced around the question at one of the most bizarre press conferences in memory.

AP reporter Matt Lee and some of his colleagues decided to be more matter-of-fact than diplomatic with Nuland, a former national security adviser to Vice President Cheney (from 2003 to 2005) and the wife of neoconservative writer Robert Kagan.

Asked directly, three times, whether the U.S. government considers the Israeli blockade of Gaza legal, Ms. Nuland would give no answer.

“I am not a Law of the Sea expert,” she insisted (four times). Her talking points were that the U.S. Boat to Gaza should not be a “repeat of what happened last year” (four times). It was as though last year’s flotilla was responsible for the attacks by Israeli naval commandos and this year’s flotilla would be considered responsible as well.

*Audacity of Hope* organizer/leader Ann Wright and I asked Craig Murray for a straightforward opinion on the legality issue, since he is an expert. We knew he had worked on preparing the UN Convention on the Law of the Sea and — more to the point — that he had become an internationally recognized authority on maritime jurisdiction and naval boarding issues.

When he was Head of the Maritime Section of the Foreign and Commonwealth Office, he was responsible for giving real-time political and legal clearance to Royal Navy boarding operations in the Persian Gulf following the Iraqi invasion of Kuwait, in enforcement of the UN-authorized blockade against Iraqi weapons shipments.

On June 20, 2011, he wrote the following one-paragraph comment and then gave his considered appreciation of the legal situation:

“The boarding of a U.S. flagged ship on the High Seas is something which, in any other circumstances, the U.S. would never tolerate, and I am hoping that it will give (Secretary) Clinton a headache now. ... What is for certain, is that a U.S. court would have jurisdiction over any incidents that happen on board, and I cannot imagine any U.S. judge would renounce that jurisdiction.”

Murray then added: “The legal position is plain. A vessel outwith the territorial waters (12-mile limit) of a coastal state is on the high seas under the sole jurisdiction of the flag state of the vessel. The ship has a positive right of passage on the high seas. ... The vessel is entitled to free passage. ...



“This right of free passage is guaranteed by the UN Convention on the Law of the Seas, to which the United States is a full party. Any incident that takes place upon a U.S. flagged ship on the High Seas is subject to United States legal jurisdiction. A ship is entitled to look to its flag state for protection from attack on the High Seas.”

### **Law – Quaint; Humans – Real**

I don't think Brennan was in the White House bunker with top national security officials on the evening of 9/11, when President Bush set the tone by declaring, “I don't care what the international lawyers say.” But, clearly, Brennan caught the drift. And, saddest of all, that tone persists today — with respect to rendition, as well as on legal niceties like the Law of the Sea.

Granted, now that drones have come into their own, it is much easier to kill folks rather than to capture and “render” them — like Jesus was rendered to the Romans by the corrupt religious authorities.

Good Friday is a day for pondering such things. While I believe what happened to Jesus gives those of us of Judeo-Christian heritage an additional, highly poignant reason to do so, my atheist friends have warned me against attitudes boarding on snobbery.

One said, “You don't have to be a Christian, Ray, to know instinctively that human beings simply must not torture other human beings.” He is right, of course.

And my friend's caution reminded me of one of my favorite quotes from Kurt Vonnegut who, at one point named himself Honorary President of the American Humanist Association:

“How do humanists feel about Jesus? I say of Jesus, as all humanists do, ‘If what he said is good, and so much of it is absolutely beautiful, what does it matter if he was God or not?’

“But if Christ hadn’t delivered the Sermon on the Mount, with its message of mercy and pity, I wouldn’t want to be a human being.

“I’d just as soon be a rattlesnake.”