

# Haspel Says CIA Won't Torture Again as Ray McGovern is Dragged Out of Hearing

2nd UPDATE: After refusing to directly answer questions about her history as an alleged torturer, Ray McGovern decided to ask Gina Haspel a question or two of his own and he wound up in jail for it, reports Joe Lauria.

*Updated with news that McGovern returned home and details of him being charged with Unlawful Disruption of Congress and Resisting Arrest.*

**By Joe Lauria** *Special to Consortium News*



Instead of facing a judge to defend herself against prosecution for violating U.S. law prohibiting torture, 33-year CIA veteran Gina Haspel on Wednesday faced the Senate Intelligence Committee in a hearing to confirm her as director of the Central Intelligence Agency.

Haspel does not look like someone who would be associated with torture. Instead she would not be out of place as your next door neighbor or as a kindly grade-school teacher. "I think you will find me to be a typical middle-class American," she said in her opening statement.

Haspel is the face of America. She not only looks harmless, but looks like she wants to help: perhaps to recommend a good gardener to hire or to spread democracy around the globe while upholding human rights wherever they are violated.

But this perfectly typical middle class American personally supervised a black site in Thailand where terrorism suspects were waterboarded. It remains unclear whether she had a direct role in the torture. The CIA said she arrived at the black site after the waterboarding of senior al-Qaeda operative Abu Zubaydah had taken place. Some CIA officials disputed that to *The New York Times*. The newspaper also reported last year that Haspel ran the CIA Thai prison in 2002 when another suspect, Abd al-Rahim al-Nashiri, was waterboarded.

Even if she did not have a direct hand in overseeing the torture, she certainly acquiesced to it. And if that were not bad enough, Haspel

urged the destruction of 92 videotaped CIA "enhanced interrogations," conducted at the prison in Thailand, eliminating evidence in a clear-cut obstruction of justice to cover-up her own possible crimes.

At her public hearing Haspel refused to say that the torture was immoral.

Instead she tried to romanticize her nefarious past in adolescent language about the spy trade, about going to secret meetings on “dark, moonless nights,” in the “dusty back alleys of Third World capitals.”

Haspel claimed to have a “strong moral compass.” We really can’t know because we only found out about what she did in Thailand in 2002 because of press reports. Just about everything else she did during her three decades at the agency remains shrouded in secrecy because she refused to declassify almost all of her record for the committee.

“Bloody Gina,” as some CIA colleagues called her, told the hearing she would not re-institute the “enhanced interrogation” program if she became director. One wonders if the US were attacked again like on 9/11 if she would keep her vow, especially as she admitted nothing wrong with “enhanced interrogation” the first time.

Haspel testified that the U.S. has a new legal framework that governs detentions and interrogations forbidding what she refused to call torture. But the U.S. already had a law on the books against it when the Senate ratified the international Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on October 21, 1994. Every time the U.S. “tortured some folks” after that, as Barack Obama put it, it broke U.S. law.

In speaking about it in a folksy way, Obama was minimizing the enormity of the crime and justifying his decision to not prosecute any American who may have taken part in it. That includes Haspel. So instead of facing the law she’s facing a career promotion to one of the most powerful positions in the United States, if not the world.

### **McGovern Speaks Out**

Haspel tried to wiggle out of relentless questioning about whether she thought torture was immoral, let alone illegal. Completely ignoring U.S. ratification of the Convention Against Torture, Haspel clung to the new Army Field Manual, which contains a loophole in an annex added after 9/11 that justifies cruel punishment, but not specifically torture.

Sen. John McCain (R-AZ), who was tortured in Vietnam, had no doubts about Haspel. After the hearing he issued a statement saying, “Ms. Haspel’s role in overseeing the use of torture by Americans is disturbing. Her refusal to acknowledge torture’s immorality is disqualifying.”



Because she wasn't giving any straight answers, Ray McGovern, a CIA veteran of 27 years and frequent contributor to Consortium News, stood up in the hearing room and began asking his own questions.

Capitol police were immediately ordered by the chairman, Sen. Richard Burr (R-NC), to physically remove McGovern from the room. As he continued turning towards the committee to shout his questions, four officers hauled him out. They ominously accused him of resisting arrest. Once they got him into the hallway, rather than letting him go his way, four policemen wrestled him to the ground, re-injuring his dislocated left shoulder, as they attempted to cuff him.

After spending the night in jail, McGovern, 78, was to be arraigned on Thursday. He has not responded to several voice messages left on his mobile phone. A police officer at Central Booking told Consortium News McGovern was no longer under their control and had been sent to court. According to DC Superior Court, he has been charged with Unlawful Disruption of Congress and Resisting Arrest. Ray returned home Thursday night.

McGovern was one of several people arrested before and during the hearing for speaking out. The spectacle of citizens of this country, and in Ray's case a veteran CIA officer, having to resort to disrupting a travesty of a hearing to put an alleged torturer in charge of the most powerful spy agency in the world is a disturbing indicator of how far we have come.

### **A Different Kind of Hearing**

In 1975, Sen. Frank Church (D-ID) conducted hearings that revealed a raft of criminality committed by the CIA, the National Security Agency and the Federal Bureau of Investigation over a period of thirty years from the end of the Second World War. It has been more than 40 years since that Senate investigation. After

the release of the CIA Torture Report by the Senate in 2014 and the revelations about the NSA by Edward Snowden, a new Church Committee-style expansive probe into the intelligence agencies is long overdue.

A central question it should ask is whether the CIA really serves the interests of the American people or rather the interests of its rulers, which the agency has done from its founding by Wall Street elites, such as its first director, Allen Dulles.

While the Republican-controlled intelligence committee may have partisan motives to launch such a new Church-like commission to look into the agencies' shenanigans in the Russia-gate fiasco, the majority of Republicans are hawks on intelligence matters and many support torture and want Haspel to be the next CIA director. For instance, Burr told Haspel: "You are without a doubt the most qualified person the president could choose to lead the CIA and the most prepared nominee in the 70-year history of the agency. You have acted morally, ethically and legally over a distinguished 30-year career."

None of this bodes well for the nation.

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## Treating Snowden as a 'Personality'

The mainstream U.S. media prefers personalities over substance, so it was perhaps not a surprise that its focus at the first anniversary of Edward Snowden's NSA leaks was on his alleged peculiarities, not the frightening prospect of a Big Brother state, says ex-State Department official William R. Polk.

By William R. Polk

After finally getting around to reading the various articles that have come out on Edward Snowden, the latest being the *Vanity Fair* account, I find them not surprisingly as playing to the gallery – concentrating on his peculiar personality, not the substance of his revelations.

Snowden's personality is presented as paradoxical (he wanted to be a Special

Forces soldier and favored the invasion of Iraq), amusing (he apparently had an adolescent view of espionage), limited (with no education to match his self-taught training), shrewd (building up his stock portfolio for a rainy day), naive (assuming that suddenly the public would accept him as a hero), fearful (expecting a Mafia-style hit), etc.

All this is rather titillating, especially, when mixed as it was with sexy pictures of his girl friend. But very little thought was given to what it all means.

Even *The Guardian* pieces, which do concentrate on the documents, do little to put the disclosures about the National Security Agency's massive surveillance in perspective. Yet that perspective was there long before Snowden. Sen. Frank Church summed it all up in a sentence or two in his 1975 Senate Committee investigation on intelligence activities:

"If a dictator ever took charge in this country, the technological capacity that the intelligence community has given the government could enable it to impose total tyranny, and there would be no way to fight back. We must see to it that this agency and all agencies that possess this technology operate within the law and under proper supervision so that we never cross over that abyss. That is the abyss from which there is no return."

That is to say, of course, it makes no difference what drives this particular whistleblower – job insecurity, anger, jealousy, ambition, patriotism, fear or whatever – and it makes no difference whether he is left-wing or right-wing or apolitical or whether he is an attractive human being or not.

It is well-known principle of jurisprudence that major cases, which force consideration of important issues, are often brought by people who may be unimportant themselves and even unappealing human beings. In such matters, the medium is not the message.

Simply put, the real message of Snowden's disclosures is that there is a growing *capacity* that could be used by any future government, Left, Right or Center, to subvert freedom completely. As Church rightly said, once the line is crossed, there is no return.

In light of that crucial message while the public may be engaged by Snowden as a personality or rather as an "event" someone needs to do what Church did and discuss what it all means.

Who today can explain how the checks and balances so assiduously incorporated in the U.S. Constitution by our Founding Fathers must be applied to the issue of freedom versus "security"? Indeed, who can explain what "security" really means?

Where is today's Frank Church?

William R. Polk was a member of the Policy Planning Council, responsible for North Africa, the Middle East and West Asia, for four years under Presidents John Kennedy and Lyndon Johnson. He also was a member of the three-men Crisis Management Committee during the Cuban Missile Crisis. He is the author of some 17 books on world affairs, most recently *Humpty Dumpty: The Fate of Regime Change* and *Blind Man's Buff, a Novel*, both available at Amazon.

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## The Lost Legacy of Otis Pike

Former Rep. Otis Pike died Monday at the age of 92, stirring recollections of his courageous efforts in the 1970s to expose abuses committed by the CIA, a struggle that ultimately bogged down as defenders of state secrecy proved too strong, as ex-CIA analyst Melvin A. Goodman writes.

By Melvin A. Goodman

The death of Rep. Otis G. Pike, a nine-term New York congressman, is a sharp reminder that once upon a time this country had congressmen who were willing to conduct oversight of the secretive intelligence community, particularly the Central Intelligence Agency, and press for genuine reform.

In the wake of CIA abuses during the Vietnam War, including the pursuit of political assassination and illegal searches and seizures, Rep. Pike and Sen. Frank Church – both Democrats – established the Pike Committee and the Church Committee in order to create bipartisan congressional oversight of the intelligence community and to place the CIA under a tighter rein.

The Pike and Church committees were responsible for the creation of the Senate Select Committee on Intelligence (SSCI) in 1976 and the House Permanent Committee on Intelligence (HPSCI) in 1977. These committees took charge of congressional oversight of the intelligence community, which previously had been the responsibility of the Senate and House Armed Forces Committees, Foreign Relations Committees, and Appropriations Committees. Those committees had, in fact, been advocates for the intelligence community and had shown little interest in actual oversight. In 1980, the Carter administration created the Intelligence Oversight Act that gave exclusive jurisdiction for oversight to the SSCI and the HPSCI.

Pike and Church deserve special praise for exposing the covert role of the CIA

in trying to assassinate Third World leaders and pursuing regime change. There were assassination plots against Fidel Castro in Cuba, Patrice Lumumba in Congo, Jacobo Arbenz Guzman in Guatemala, and Ngo Dinh Diem in Vietnam. CIA efforts were particularly clumsy in the case of political assassination, and typically other groups carried out the assassinations before the CIA could get its act together.

Like the efforts to overthrow regimes in Chile and Iran, these covert actions worsened the domestic scene in all of these target countries and created major complications in relations with the United States. Some of these complications (for example, in Cuba and Iran) are still with us.

CIA actions in Congo were directly responsible for the emergence of the worst tyrant in the history of Africa, Sese Seku Mobutu. Guatemalans continue to suffer at the hands of Guatemalan security forces created with the help of the CIA. Strategic covert failures are abundant; strategic covert success is extremely rare.

The Pike Committee also recommended the creation of a statutory Inspector General for the intelligence community, but this proposal was considered too radical at the time. In the wake of the Iran-Contra disaster, the idea of a statutory IG was revived, but CIA Director William Webster was opposed because he believed that such an office would interfere with operational activities. Senate intelligence Committee Chairman David Boren, D-Oklahoma, also was opposed because he thought the office of an IG would be a rival to his committee. Fortunately, two key members of the intelligence committee, John Glenn, D-Ohio, and Arlen Specter, R-Pennsylvania, believed that a statutory IG was essential, and Boren had to give in.

The CIA's Office of the IG operated effectively until recently, when the Obama administration inexplicably moved to weaken the IGs throughout the intelligence community, particularly in the CIA. The current chairman of the congressional intelligence committees, Sen. Dianne Feinstein, D-California, and Rep. Mike Rogers, R-Michigan, apparently do not understand the importance of a fully engaged IG to their own efforts to conduct genuine oversight.

The Pike Committee understood that CIA's role in the FBI's counterintelligence programs (COINTELPRO) was particularly intolerable in a democratic society, and that the political operations conducted by the CIA were in violation of its charter, which prohibited the Agency from conducting domestic operations.

The programs that CIA Director Richard Helms had denied not only existed, but they were extensive and illegal. President Gerald Ford's senior advisers, Dick Cheney and Donald Rumsfeld, encouraged the President to established the

Rockefeller Commission to examine the CIA in an attempt to derail both the Church and Pike Commissions and thus obfuscate many of the efforts to disrupt the lawful activities of Americans advocating social change from 1956 to 1971.

Unfortunately, little of the Pike Committee's work in these areas was known to the public because most of its hearings were closed and its final report was ultimately suppressed. Today, the NSA is conducting domestic surveillance in violation of its charter with no serious response from the chairmen of the intelligence committees.

Rep. Pike made a special effort to give the Government Accountability Office the authority to investigate and audit the intelligence community, particularly the CIA. But the GAO needs authorization from Congress to begin an investigation, and the oversight committees have been particularly quiet about genuine oversight since the intelligence failures that accompanied the 9/11 terrorist attacks. Rep. Pike and Sen. Church were junkyard dogs when it came to conducting oversight; the current chairmen are advocates for the intelligence community and lapdogs when it comes to monitoring the CIA.

The sad lesson in all of these matters, particularly the work of the Pike Committee, was that Congress tried to conduct serious reform in the wake of abuses during the Vietnam War as it did in the wake of the Iran-Contra scandal, but its legacy has been lost.

Today there is no real effort to monitor, let alone reform, the CIA and the NSA in the wake of abuses that include torture, secret prisons, extraordinary renditions, and massive surveillance. A senior CIA operative, Jose Rodriguez, destroyed the torture tapes with impunity and has been allowed to write a book that argues there was no torture and abuse. That is exactly the reason why we need whistleblowers as well as courageous congressmen such as Rep. Otis Pike.

**Melvin A. Goodman is a senior fellow at the Center for International Policy and adjunct professor of government at Johns Hopkins University. His most recent book is *National Insecurity: The Cost of American Militarism* (City Lights Publishers, 2013) and he is currently completing a book *The Path To Dissent: A Story of a CIA Whistleblower* (City Lights Publishers, 2014). [This story originally appeared at Counterpunch and is reprinted with the author's permission.]**

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