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The Moral Failure of Our National Intelligence

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"The temptation to tell a Chief in a great position the things he most likes to hear," Winston Churchill famously cautioned, "is the commonest explanation of mistaken policy." But perhaps an even greater failure of a leader is refusal to hear what he doesn't like. A number of competent government officials, from the White House to U.S. mission in Afghanistan, have told me that this attitude was their greatest frustration: for example, in trying to get the administration to tone down its promotion of public hysteria over a wildly overblown domestic terrorism threat, to face up to the considerable popular support for the Taliban in many areas of Afghanistan, or to deal with the murderous venality and duplicity of regional U.S. allies.

A new government report on the Bush administration's surveillance of personal communications reveals a familiar pattern of intellectual deafness and moral abuse of the country. As with the administration's promotion of waterboarding and other forms of torture, post- September 11 practices were implemented in defiance of existing law. On orders of the president, those in his close circle then approached second-tier government officials to elicit justifications for these practices after the fact: In November 2001, Justice Department lawyer James Yoo dutifully obliged with a legally flawed and factually inaccurate recommendation for warrantless wiretapping; in October 2002, military lawyer Lt. Col Diane Beaver readily commended "cruel, inhuman, and degrading" interrogations to Secretary of Defense Donald Rumsfeld in knowing defiance of the Geneva Convention, and forcefully argued for hiding these practices from the International Red Cross. The lawyers' immediate superiors were misinformed, or not informed at all, about their underlings' recommendations, or even about the practices assessed. The president and his inner circle adopted the recommendations of Yoo and Beaver as official U.S. policy without bothering to elicit further legal opinion or consult Congress. President Bush liked what he had.

Once word did leak through about what was being done, however, other officials fought to stop the practices or at least bring them to light. In March 2004, Deputy Assistant Attorney General James Comey -- who is no slouch when it comes to zealously pursuing even the thinnest lead related to terrorism -- rushed up the steps to the hospital room of Attorney General John Ashcroft, to prevent then-White House Counsel Alberto Gonzalez from wangling a signature from the heavily-sedated patient to re-authorize domestic eavesdropping. Gonzalez signed the document instead, and later willfully deceived Congress about the whole business (and many other matters) when he became Attorney General. To their credit, both Comey and FBI Director Robert Mueller threatened to resign unless greater transparency and oversight were forthcoming.

In striking contrast to the rectitude of those officials who have risked their careers for the law of the land, there are the partisan stalwarts, such as Vice President Dick Cheney, who bend the law and the truth to fit their ends. Cheney's repeated claims that harsh interrogation and wiretapping "saved many thousands of American lives" are supported by no facts known to the public. And his appeal to classified evidence should be met with no greater confidence than his bogus claims about Saddam Hussein and Al Qaeda acting in tandem against the United States.

Serving the aims of the Bush administration, were others who wanted to please and play with the Big Boys, like Gonzalez and Bush's first CIA director George Tenet. In December 2002, when plans to invade Iraq were being set to "go," Tenet promised the president a "slam dunk case" that would convince the public that Saddam Hussein had weapons of mass destruction. Tenet, though, was careful not to claim to his superiors that the evidence was in fact true, only that it would sell the war to the American people.

A telling example is over reliance on a source -- codenamed "Curveball" -- whose information was untrustworthy from the outset. German intelligence first

interviewed Curveball, an Iraqi chemical engineer living in Germany, and informed the Pentagon's Defense Intelligence Agency (DIA). The DIA passed along the information to the CIA. When the CIA sought to interview Curveball, German intelligence told the CIA it was a waste of time because Curveball was "a fabricator and crazy." Tyler Drumheller, former head of the CIA European Division, told reporters that in 2002 he saw "dozens and dozens of e-mails and memos" impugning Curveball's credibility. Nevertheless, Tenet claimed that there was never a "formal memo" questioning Curveball's reliability until after then-Secretary of State Colin Powell proffered Curveball's fantasies as "facts and conclusions based on solid intelligence" in a speech to the U.N. on February 5, 2003. When Powell realized he'd been duped, and started to complain about it, he was no longer pleasing to the administration, and he resigned.

Forgotten or ignored in the fiasco were at least three hard lessons, which Reginald V. Jones, Britain's Head of Scientific Intelligence in WWII, summarized years ago in his classic, *The Wizard War*:

- (1) It is necessary to avoid "the steady and immediate broadcasting of each... uncollated fact," and to withhold such information from political decision makers until checked because "to spread half-truth is often to precipitate erroneous action."
- (2) The intelligence community must provide an "independent voice" that takes no consideration of what political decision makers may want to hear because this, as Churchill concurred, is "vital" to "the leader on whose decisions fateful events depend."
- (3) Information from disaffected nationals is usually the most unreliable source on weapons or methods available to actual or potential enemies and "must always be checked." As Machiavelli noted long ago:

How dangerous it is to trust the representatives of exiles... such is their extreme desire to return to their homes that they naturally believe many things that are not true, and add many others on purpose.... A prince therefore should be slow in undertaking any enterprise upon the representations of exiles, for he will generally gain nothing by it but shame and serious injury. (Discorsi, ch. 31)

In his apologia, *At the Center of the Storm*, Tenet argued that errors made in the eagerness to respond to any positive indications of terrorism, no matter how paltry, were justified by a pervasive but still hidden threat from "sleeper cells" and the like. In fact, the only bona fide sleeper agent in U.S. history was Soviet intelligence officer Vilyam Genrikhovich Fisher (aka Rudolph Abel), who was caught and exchanged for the CIA's U-2 pilot Gary Powers in 1962. Yet Tenet continued to insist even after leaving office that the U.S. is awash with "sleeper cells" -- a wolf cry still widely echoed in the media.

But what of the decent men and women whose public profile is not high enough to force the righting of a wrong by threatening to resign, and who are bound by law from not revealing any information that could contradict official policy? There are many of these people at all levels of our intelligence and law enforcement agencies who are faced with an almost tragic choice: resign into oblivion or continue to work for the common good but inside the belly of the beast.

Consider the case of Phil Mudd. Early last month, Mudd, President Obama's choice for intelligence chief at the Department of Homeland Security, withdrew from consideration over Congressional doubts about his knowledge of the CIA's "harsh interrogation" of terrorism suspects. I have in this forum elsewhere denounced the Bush administration's use of such techniques as criminally immoral forms of abuse that undermine the principles of due process of law and protection from cruel and unusual punishment -- Enlightenment principles that, for the first time in human history, established the sovereignty and integrity of each individual body and mind, and which gave rise to the founding of our Republic. But the Phil Mudd I've known in several encounters, from Washington to Riyadh, never conveyed support for torture of any kind.

On the contrary, Mudd's principal argument to leaders and law enforcement officials around the world is that the best way to end terrorism is to give hope to the young. On March 10, 2008 he confirmed to me for the public record: "Terrorism is not only a problem of ideology or religion but a global virus that attacks young people who have lost hope. I think there is a fairly strong correlation between hope and extremism. We have to provide hope." I watched him wince at the idiocies uttered by others about some central terrorist command and control of "sleeper cells," "brainwashing," "recruitment" and other nonsense but, as with torture, his only choice was to keep silent in public or cease serving the nation with his talent.

This insightful man may be paying a political price that I hope will not cost the country. How could President Obama drop Phil Mudd at the slightest doubt about his possible knowledge of torture, but let Guantánamo operate even a moment longer, where torture has been indubitable? If the Bush years taught us anything, it's that when petty politics play with moral principles, the nation's standing is undermined and society wobbles.

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