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The Dark Side: Jane Mayer on the Inside Story of How the War on Terror Turned Into a War on American Ideals

We spend the hour with New Yorker magazine investigative journalist Jane Mayer about her new book, The Dark Side: The Inside Story of How the War on Terror Turned Into a War on American Ideals. In the book, Mayer reveals a secret report by the International Red Cross warned the Bush administration last year that the CIA’s treatment of prisoners categorically constituted torture and could make Bush administration officials who approved the torture methods guilty of war crimes. Mayer also reveals that the Bush administration ignored warnings from the CIA six years ago that up to a third of the prisoners at Guantanamo Bay may have been imprisoned by mistake. [includes rush transcript]

Guest:

Jane Mayer, author of The Dark Side: The Inside Story of How the War on Terror Turned Into a War on American Ideals. She is a staff writer for The New Yorker.

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AMY GOODMAN: A secret report by the International Red Cross warned the Bush administration last year that the CIA’s treatment of prisoners categorically constituted torture and could make Bush administration officials who approved the torture methods guilty of war crimes. One prisoner, Abu Zubaydah, told the Red Cross he had been waterboarded at least ten times in a single week and was
confined in a small box that resembled a coffin.

The details about the secret Red Cross report appear in a new book by investigative journalist Jane Mayer. The book is called *The Dark Side: The Inside Story of How the War on Terror Turned Into a War on American Ideals*.

Jane Mayer also reveals the Bush administration ignored warnings from the CIA six years ago that up to a third of the prisoners at Guantanamo may have been imprisoned by mistake. The name of Mayer’s book comes from a comment made by Vice President Dick Cheney on *Meet the Press* shortly after the September 11th attacks.

**VICE PRESIDENT DICK CHENEY:** We have to work the dark side, if you will. We’re going to spend time in the shadows in the intelligence world. A lot of what needs to be done here will have to be done quietly, without any discussion, using sources and methods that are available to our intelligence agencies.

**AMY GOODMAN:** In her new book *The Dark Side*, Jane Mayer chronicles how the Bush administration crafted its interrogation and detention policies. She writes, “As part of the war on terror, for the first time in its history the United States has sanctioned government officials to physically and psychologically torment American-held captives, making torture the official law of the land in all but name.”

Jane Mayer joins us now in our firehouse studio for the hour, staff writer at *The New Yorker* magazine. Again, her book called *The Dark Side*. Welcome to Democracy Now!

**JANE MAYER:** Thanks so much. I’m really glad to be with you.

**AMY GOODMAN:** It’s great to have you here. Talk about the Red Cross report that got a lot of coverage, but not quite the way you cover it in this book.

**JANE MAYER:** Well, I think it’s particularly interesting today and the day after former Attorney General Ashcroft testified in Congress, saying that everything they did was not torture, that waterboarding did not constitute torture, because that is absolutely not the point of view of the Red Cross, which is really the world’s authority on the subject of treatment of prisoners of war. And the Red Cross sent investigators down to Guantanamo. They were the first independent outside people to be able to talk to the CIA’s prisoners. There were fourteen of them who had been emptied out of the black site prisons and were down in Guantanamo.

**AMY GOODMAN:** Where were the black site prisons?

**JANE MAYER:** The black site prisons—well, there’s been a lot of speculation about where they were. They seem to have been, among other places, ironically in eastern Europe and possibly even facilities that had been used by the communist world before the fall of the Soviet Union.

So, at any rate, when the Red Cross talked to these prisoners, the stories they got were harrowing and, in the view of the Red Cross, constituted torture. It was not—there had been earlier Red Cross reports that have said that mistreatment
by the US government of prisoners was tantamount to torture. This was no longer just tantamount; this was categorically torture, in their view, and constituted grave breaches of the Geneva Conventions, which is why we say—I say in the book that they were warning that the top officials of the United States could be prosecuted.

**AMY GOODMAN:** How do you know what was in the Red Cross report?

**JANE MAYER:** Well, you know, it comes from not seeing the Red Cross report, which is a confidential report that’s only circulated into the hands of a few people at the very top of our government. It comes from interviewing a number of sources who have seen it and cross-checking with them the details over and over again ’til I had a level of confidence that what I’ve got in here is absolutely correct. And I hope—we can note that nobody has contradicted it yet.

**AMY GOODMAN:** And just to be clear, the Red Cross gives their reports to a government. That’s why people, the public, doesn’t see it.

**JANE MAYER:** Yes, they work behind the scenes. The whole—and this is—it was, you know, an ethical decision—complication about whether or not to report on this, because I certainly support the work of the Red Cross and what they are doing all around the world. And so, in order to get the access they need to monitor these cases, they agreed to do it quietly and behind the scenes and to just talk to the convening authorities—is what they call the government—that are holding the prisoners. But after seven years since 9/11, I thought that it was important, as a journalist, for the country to understand what’s being done in—by our government. And so, it was in this—weighing the scales, I thought, time for people to understand this.

**AMY GOODMAN:** Jane Mayer, you also report that back in 2002, the CIA warned that up to a third of the prisoners at Guantanamo may have been imprisoned by mistake.

**JANE MAYER:** Isn’t that—to me, this is one of the amazing anecdotes in this book. It’s not the ACLU. It’s not, you know, some kind of outside human rights group. It’s the CIA that warned the government. They sent—the CIA sent a particular expert down to Guantanamo in the summer of 2002 to figure out what’s going on. Why are we not getting better intelligence out of these detainees down in Guantanamo? And he was an Arab speaker and an expert in Islamic fundamentalism.

He interviewed a number of the detainees in Guantanamo, and he came back saying, “Bad news. The reason we’re not getting better intelligence, part of the reasoning anyway, is that about a third of the people are innocent.” From what he could tell, they were just mistakes. They were locked up—you know, they were just brought in by—herded in by mistake. And—

**AMY GOODMAN:** Mistake, like, for example, bounty hunters.

**JANE MAYER:** Right, sure. Bounty hunters who were—you know, and people who were put—there were people put in to—because of personal grudges. There was one—one detainee was there because he had been a teacher of somebody and given them a bad grade, and the person that he’d flunked pointed him out as a terrorist, and he was rounded up.

So there were all kinds of stories, but—and it’s not to say, you know, that there
aren’t people down there who are probably serious suspects. It’s just that they mix them all in together, which was a consequence of when they got rid of the Geneva Conventions, they got rid of the screening process. And so, there was—it’s just kind of collective guilt instead of individual guilt. They didn’t give people a chance to say whether they were innocent or not.

**AMY GOODMAN:** I want to go back to President Bush’s statement on September 6, 2006. He acknowledged for the first time the CIA has been operating a secret network of overseas prisons, but he denied the United States ever used torture.

**PRESIDENT GEORGE W. BUSH:** We knew that Zubaydah had more information that could save innocent lives. But he stopped talking. As his questioning proceeded, it became clear that he had received training on how to resist interrogation. And so, the CIA used an alternative set of procedures.

These procedures were designed to be safe, to comply with our laws, our Constitution and our treaty obligations. The Department of Justice reviewed the authorized methods extensively and determined them to be lawful.

I cannot describe the specific methods used. I think you understand why. If I did, it would help the terrorists learn how to resist questioning and to keep information from us that we need to prevent new attacks on our country. But I can say the procedures were tough, and they were safe and lawful and necessary.

I want to be absolutely clear with our people and the world, the United States does not torture. It’s against our laws, and it’s against our values. I have not authorized it, and I will not authorize it.

**AMY GOODMAN:** That’s President Bush in 2006. Jane Mayer, on that last assertion, and then let’s talk about Abu Zubaydah.

**JANE MAYER:** OK. Well, I mean, it’s absolutely contradicted by so many facts. I have to say the President’s words are—if you read this book, you can see that there’s many experts in the military and the FBI, even some of the lawyers inside the Bush administration, have a completely different view from what the President said. And he was warned, as was the Vice President, very early on that you may be crossing criminal lines here.

**AMY GOODMAN:** Talk about Abu Zubaydah.

**JANE MAYER:** Well, Abu Zubaydah, in particular, who he cites in that speech, he says that he stopped talking, and that’s when they went to what they call the “enhanced” interrogation techniques. That’s not what the FBI says. The FBI says that when they just tried to talk to him in a sort of rapport-building kind of way, he gave them the best information that they got out of this.

And, in fact, after—there was a custody fight about who was going to get to interrogate him. The CIA wanted him, and the CIA invented a whole new way of interrogating them. They took him off and put him through all kinds of things, including this dog cage that he was locked up in, he describes as being covered with towels. He could barely breathe. He was in there for something like twenty-four hours. His wounds from when he was captured were reopened. He was
waterboarded repeatedly.

What did he tell them? He told them, you know, all kinds of things. I mean, the truth is that if you go carefully over what you can piece together of our interrogation program, you can find that these detainees have, almost to a man, recanted later and said that half of what they told people was just made up, fabricated.

**AMY GOODMAN:** But Zubaydah was questioned first by the FBI?

**JANE MAYER:** He was questioned first by the FBI. And in fact when the FBI saw what was going on and how the CIA intended to treat him, they withdrew, because they were afraid that it was criminal. And in fact one of the FBI agents told headquarters of the FBI he thought that the CIA interrogators should be arrested.

**AMY GOODMAN:** Was he getting farther with Zubaydah? Did the FBI feel they were getting somewhere?

**JANE MAYER:** They do feel—they do feel that they were getting further. And, I mean, and this goes to the very—the fundamental question about—the President talks about this was necessary, effective, safe, necessary. There is absolutely no science saying it’s necessary. And in fact, seven years later, take a look at what—there are very few people who have been able to really assess this, because all of the records are so secret, but among the very few people who really have had access to this information about how people were interrogated and what they got is Jay Rockefeller, the senator who was the chairman of the Senate Intelligence Committee.

**AMY GOODMAN:** Democrat.

**JANE MAYER:** A Democrat. But he’s one of the few people who really knows what’s happened in this program, and he put out a statement not so very long ago saying he sees—he’s never seen any single thing that said that they needed to do this. And, in fact, he points out that he does know one thing that happened because of this program, which is they got a lot of really bad information, and they have radicalized the world against the United States.

**AMY GOODMAN:** We’re talking to Jane Mayer. Her book is called *The Dark Side: The Inside Story of How the War on Terror Turned Into a War on American Ideals*. When we come back from break, we’ll talk about, among other things, the role of the American Psychological Association and the role of psychologists in the terror regime. Stay with us.

[break]

**AMY GOODMAN:** Our guest for the hour is Jane Mayer. She is author of the book *The Dark Side: The Inside Story of How the War on Terror Turned Into a War on American Ideals*. Talk about the title, *The Dark Side*.

**JANE MAYER:** Well, as we all know, September 11th was a sea change. Everybody says everything changed after that. And it did, but I think one of the most important changes that the country hasn’t really thought about is America became a country that, for the first time in its history, endorsed what is torture in all but name. And since then, it changed, I think, from a war for the country’s security, the war on terror, to a battle for the country’s soul. And we have to
You really think about whether or not this is what kind of country we want to be.

**AMY GOODMAN:** You were talking about Abu Zubaydah. Let's talk about the psychologists involved in his interrogation.

**JANE MAYER:** Well, they were the ones who showed up there, right by Abu Zubaydah's side.

**AMY GOODMAN:** Where?

**JANE MAYER:** In—well, it's in an undisclosed location, where Abu Zubaydah was being held by the CIA. Suddenly, a psychologist showed up. And the FBI's reaction was, “Who is this person?” His name is James Mitchell. He is a contractor to the CIA, a contract interrogator or adviser to the interrogation program. And he started talking about how there were these psychological theories that would help break down the detainees.

And the theories he talked about were experiments with dogs, in which dogs were put in cages and electrocuted and in a random way that completely broke their will to resist. It's a theory called “learned helplessness,” and it springs from experiments done in the 1970s by a very famous psychologist in America named Martin Seligman, who actually went to lecture at the—a bunch of SERE—people who were involved with the CIA's program, including this psychologist, James Mitchell. So, James Mitchell and a partner, Bruce Jessen, became advisers to the CIA's interrogation program.

I think, to step back, what you need to know is that the CIA had no experience really in interrogating prisoners. They had never really held prisoners before. And so, they really had no idea how to go about getting information out of people. So they turned to an incredibly strange place, which is a secret program inside the military that had studied torture, and it had studied torture in order to teach our own soldiers how to survive it if they were ever taken captive by some kind of completely immoral regime. Because they understood torture, the CIA turned to them and said, “Well, so how do you do it?” And basically they reverse-engineered this program in the most ironic way, and what became a program that was defensive became instead a—it was like a blueprint for torture. It was, you know, a rulebook.

And I actually got into this story, because in researching this subject, I started with a question, wondering why is it that all around the world we're seeing the same really strange kind of mistreatment of prisoners. Is this the work just of freelancing American soldiers? Why do they all have hoods? Why are they shackled in the same stress positions? Why are they being bombarded with these sounds so that their ear drums are, you know, splitting? And why are they being kept up day after day and, you know, exposed to heat and cold and all these things that were particularly odd-seeming? And they were cropping up in Iraq. They were cropping up in Guantanamo and in Afghanistan.

And so, I just went into it without knowing any of the answers and just asking, you know, is there a rulebook to this thing? Is there a curriculum? And, in fact, it turned out there was a curriculum, and the curriculum is from this secret program in the military. It's known as the SERE program, and the CIA consulted with the SERE program to figure out how to get its methods. And these psychologists that you're talking about were the ones who basically became the experts in it.
AMY GOODMAN: What was, for example, James Mitchell’s background?

JANE MAYER: He was an instructor. He’s now—he’s a psychologist who oversaw this training program. He had never been an interrogator. He had no background in Islamic fundamentalism. I mean, one of the FBI officers, as they were struggling over what to do with Abu Zubaydah, said, you know, “Do you know anything about Islamic radicals? Do you speak Arabic? Have you got any background in this area?” And he didn’t.

But he felt that because—and I’ve actually talked to Mitchell. He’s a great believer in “Science is science,” as he says, and so he used what he thought was good science, which were experiments that had been done on dogs, to apply them to ways to break down human detainees.

AMY GOODMAN: Alright, let’s go to the—

JANE MAYER: Can I just—wait, Amy. I’ve got to just say one thing, so we don’t wander into some kind of legal problem. A lawyer for Mitchell says that these were not his theories at all and that he never meant to apply them this way. That is absolutely not what colleagues of his have said, and I cite them by name in the book.

AMY GOODMAN: Who?

JANE MAYER: Steve Kleinman, who is a colonel in the Army, and he worked at the SERE program, and he said that James Mitchell would speak continually about using this “learned helplessness” model.

AMY GOODMAN: Let’s go to this “learned helplessness” model.

JANE MAYER: OK.

AMY GOODMAN: Talk about the former president of the American Psychological Association, Martin Seligman.

JANE MAYER: OK. Again, and here we have to be careful, but Martin Seligman is one of the most eminent psychologists in America. He teaches at Penn, and—

AMY GOODMAN: University of Pennsylvania.

JANE MAYER: University of Pennsylvania, sorry. And he was the former head of the American Psychological Association, the organization of professional psychologists. And so, very, very prominent man.

He was called in shortly after Abu Zubaydah was captured and handed over to the CIA. He was called in to give a lecture, mysterious still exactly what kind of lecture it was. But he spoke for three hours. I talked to him about it by email.

AMY GOODMAN: To whom?

JANE MAYER: I talked to Martin—who the lecture was to? The lecture was to CIA officers, including these psychologists. Both Bruce Jessen and James Mitchell were in the audience. And it took place at the SERE school in San Diego, which is where, again, this unusual program existed.

AMY GOODMAN: Survival, Evasion—
JANE MAYER: Evasion, Resistance, Escape. It's a program that has sort of kept—that has studied torture in order, supposedly, to inoculate the US soldiers against it. But after 9/11, the same techniques started cropping up around the world, being used by US soldiers.

AMY GOODMAN: You talked to Martin Seligman about this?

JANE MAYER: Yes, I did, and—by email. And he acknowledged he gave a lecture for three hours in April to the—at the SERE school. He has added to that recently, mentioning that these two psychologists were in the audience. He has said he never assisted torture, he is against torture, that his experiments were meant to safeguard US soldiers. It may be that he was just innocently misinterpreted by the CIA.

It's really hard to tell exactly what happened. But what we do know is that his theories began to be cited by these psychologists, who then oversaw the CIA program and started putting Abu Zubaydah, for instance, in a dog cage and also put a dog collar on another detainee and thrust him into the wall with it headfirst. And these were just the beginning of some of the things these people went through.

AMY GOODMAN: We invited Dr. Martin Seligman to join us on the program. His answer was simple: “I am not available.” But he did respond to what you have written, and I want to read what his statement is—

JANE MAYER: OK.

AMY GOODMAN: —that you have also responded to. This is what he has said, not to us specifically, but his statement to Jane Mayer’s book The Dark Side. He said, quote, “The allegation that I ‘provided assistance in the process’ of torture is completely false.

“I gave a three hour lecture sponsored by SERE (the Survival, Evasion, Resistance, Escape branch of the American armed forces) at the San Diego Naval Base in May 2002. My topic was how American troops and American personnel could use what is known about learned helplessness and related findings to resist torture and evade successful interrogation by their captors. I was told then that since I was (and am) a civilian with no security clearance that they could not discuss American methods of interrogation with me. I have not had contact with SERE since that meeting.

“I have not worked under government contract (or any other contract) on any aspect of interrogation or any aspect of torture. Mr. Mitchell and Mr. Jessen were present in the audience of about 50 others at my speech, and that was, to the best of my knowledge, the sum total of my ‘assisting them in the process.’

“I have had no contact at all with the American Psychological Association about their relevant policies. Most importantly, I strongly disapprove of torture and have never and would never provide assistance in its process.”

Your response, Jane Mayer.

JANE MAYER: Well, I have to say, first, that he—it’s not a contradiction of The Dark Side, because the allegation that he, quote-unquote, “assisted torture” comes from a blogger who was reading my book. It’s not actually what I say in the book. The book is—he confirms all of the facts in the book, which are very
accurate. It describes the lecture he gave. It describes his relationship with the SERE program exactly as it was. And so, I actually—you know, the one thing I have to say is, he’s not and has not contradicted any of the facts in the book itself. He’s reacting to accounts by bloggers there. I think he’s just basically confirming it, reconfirming it. I have to say, every—

AMY GOODMAN: What did you learn from that response?

JANE MAYER: Well, I mean, what I learned is there are a lot of unanswered questions that I would really like to put to him, but when I did try to question him further, he said he had no further comment. He’s a very—obviously a very erudite and savvy man. What did he think he was doing when he went to talk to the CIA at their confab at the SERE school? How did he know Mitchell and Jessen were in the audience, unless—did he speak to them? Did he know what their role was, in terms of interrogations? You know, there are a lot of things that would be great to know. It’s hard to tell, because he keeps shutting down the conversation when it gets interesting.

AMY GOODMAN: Well, I wanted to go further with the American Psychological Association and a former president. Last year, it was revealed former APA president Joseph Matarazzo is a partner of Mitchell & Jessen, and the New York Times reported the CIA interrogator of Khalid Sheikh Mohammed and Abu Zubaydah, Deuce Martinez, now works for Mitchell and Jessen’s firm in Spokane, Washington.

JANE MAYER: Right. And it’s—this one firm keeps cropping up again and again. You know, Jessen and Mitchell, I guess, are not members of the APA, from what I understand, but the connections to the APA and this program keep popping up again and again. It may—it’s really interesting. It may say something about why the APA has been so reluctant to take a categorical stance, as psychiatrists have, saying there’s no role for this profession in torture or in coercive interrogations.

Let’s put aside the word “torture”, because it’s a semantic game. But the medical profession takes, you know, an oath. The Hippocratic Oath is “do no harm.” And I think it’s the role of medics, nurses, doctors, psychiatrists, psychologists, who keep cropping up in reports that you get from detainees about—they’ll be in a moment of extremis, and suddenly a doctor will appear and certify that it’s OK to keep interrogating them. I think it’s an area that is really ripe for investigation.

AMY GOODMAN: On Democracy Now!, we’ve been covering the issue of psychologists, examining the role of psychologists in developing the Bush administration’s interrogation programs for the past two years. During a debate in 2006, the APA president—the then-APA president, Gerald Koocher, mentioned you by name, Jane Mayer. We talked to him on the telephone. This is what he had to say.

DR. GERALD KOOCHER: I wish I had the assurance that Jane Mayer and that Dr. Reisner apparently have that there are APA members doing bad things at Guantanamo or elsewhere, because any time I have asked these journalists or other people who are making these assertions for names so that APA could investigate its members who might be allegedly involved in them, no names have ever been forthcoming.
AMY GOODMAN: That was the former APA president, Gerald Koocher. Your response, Jane Mayer?

JANE MAYER: Well, I mean, again, obviously, Martin Seligman was the president of the APA, and he had some role here in lecturing those psychologists who went on and designed this program for the CIA. So, I mean, there are all kinds of things that, if they wanted to be vigilant, they could look into at the APA. They seem to have a reluctance to dig beneath the surface.

AMY GOODMAN: Well, last year, Democracy Now! went to the APA annual convention in San Francisco to cover the debate that they were having around the issue of passing a moratorium on involvement in coercive interrogations. I wanted to play one of the statements. It was by Army Colonel Larry James. He was flown up from Guantanamo, the chief psychologist at Guantanamo and member of the APA governing body, to oppose the proposed moratorium on psychologists’ involvement in coercive interrogations.

COL. LARRY JAMES: Thank God this is a democracy. I actually welcome and support all of the discussion and the debate. That’s why I wear this uniform, because I’m very, very proud of this democracy. So I want to thank Dr. Altman and his colleagues for having the courage to speak out, although I may disagree with many of the things they say. God bless America.

Number two, torture is wrong. How could anyone disagree with that? So, under no conditions, with myself or any of these psychologists you see here today in the uniforms that they wear representing our country, would ever support anything that allows torture or inhumane treatment.

Thirdly and lastly, if we remove psychologists from the front, in any capacity whatsoever, innocent people are going to die. Innocent people are going to get hurt. Phil Zombardo told us this was going to happen thirty years ago. And so, in going back through the chronicles of histories, any detention facilities we’ve set up anywhere in the world, when you don’t have psychologists involved in the policy decision makings, when you don’t have psychologists involved in the day-to-day activity, bad things are going to happen, innocent people are going to die.

UNIDENTIFIED: Dr. James?

COL. LARRY JAMES: Sorry. Thank you, Madame President.

AMY GOODMAN: That was Colonel Larry James. He was head psychologist at Guantanamo, recently hired as dean at Wright State University in Ohio. Interestingly, right after that, another psychologist got up. Her name was Dr. Laurie Wagner, a Dallas psychologist. And she shot back, “If psychologists have to be there in order to keep detainees from being killed, then those conditions are so horrendous that the only moral and ethical thing to do is to protest by leaving.”

JANE MAYER: Well, obviously there are a lot of psychologists who are very defensive about this role, and there’s a reason why. Starting in the summer of 2002, there were psychologists from the SERE program going down to Guantanamo and supervising and advising on the interrogations there, which
included the interrogation of Mohammed Qahtani, the so-called twentieth hijacker, who was put through the most unbelievable program of psychological abuse. I don’t really know how anybody could defend it. Some of the transcripts have come out.

He was subjected to fifty-four days of only four hours of sleep a night. He had bags of fluid put into his veins, so that he had to urgently go to the bathroom; they wouldn’t let him get up and go, so he had to urinate on himself. They put, you know, the bra on his head. They made him do dog tricks. They put a birthday hat on his head and sang “God Bless America” to him. I mean, looking at the—they told him to bark like a dog. They told him that he was lower than a dog. I mean, it goes on and on and on. People have to see these transcripts to believe it.

And the fact that there were psychologists who were advising on this program is—if the APA doesn’t think that’s worthy of taking a look at, then I don’t know much about the—I don’t know much about the APA, but it makes me really wonder about it.

AMY GOODMAN: The APA is the largest association of psychologists in the world, almost 150,000 psychologists. How does the APA’s stance on involvement compare to the American Medical Association and the American Psychiatric Association?

JANE MAYER: I mean, ever since World War II, during which the Nazis subverted the medical profession in the most horrendous ways, there have been ethical codes passed about what role doctors should play in this. There’s—doctors are supposed to, first, do no harm, and all scientists are supposed to, first, do no harm. And, you know, I’ve interviewed a number of scientists in this book who say that, you know, in particular, there’s a responsibility for psychologists to use their knowledge in good ways, because they have such skills in understanding people’s psyches, they really understand how to break people down, as well as they do how to fix them up. And, you know, used in the wrong way, it’s a powerful tool to really hurt someone.

AMY GOODMAN: We’re going to go to break, then come back to our guest, Jane Mayer. Her new book is out, The Dark Side: The Inside Story of How the War on Terror Turned Into a War on American Ideals. And if you’d like a copy of today’s show, you can go to our website at democracynow.org. Stay with us.

[break]

AMY GOODMAN: Our guest is Jane Mayer. Her new book is The Dark Side: The Inside Story of How the War on Terror Turned Into a War on American Ideals. She is a staff writer for The New Yorker magazine, and you may know her for her pieces leading up to this book, really a compilation of that research.

But on this issue of Mitchell, Jessen, of this firm of psychologists in Spokane, Washington, what more do you know about them, and who is Jessen?

JANE MAYER: Well, I think, from what I’ve understood, that they’re both Mormons. They’re both people who worked as advisers to the military SERE school. They’re training people who are in—their background is in training the military to withstand torture. And somehow they became advisers on how to inflict it. It’s again something that I think that it would be really interesting to
see congressional hearings on, because reporters have hit a lot of dead ends in trying to figure out who they are, what their role was. They’re contractors to the CIA. They’re not in—they’re not full-time employees of the CIA. A lot of questions remain. It might take subpoenas to get some answers.

**AMY GOODMAN:** It’s interesting the former APA president is involved, although it’s said that these two men are not members of the APA. Steve Reisner, a New York psychoanalyst, is now one of—got the top number of nominating votes to be president of the APA this year, and he’s the chief dissident, one of the chief dissidents, who have fought the—who have fought for a moratorium or a ban on involvement in coercive interrogations. So we’ll see what happens. The annual meeting is going to be taking place in Boston in August, and the vote, I think, is by mail in—by email in something like October.

But I wanted to ask you, Jane Mayer, about Scott McClellan. One of the many former Bush administration officials who’s spoken out about torture has been, yes, the former White House press secretary. This is what Scott McClellan had to say during a recent interview for an ABC News podcast.

**SCOTT McCLELLAN:** When I went out and said that we do not torture, that we adhere to our international treaties and so forth, I was relying on what information was being given to me. Now, looking back on that, I hold a very different view when I know today that we were engaged in waterboarding and some other harsh interrogation methods. And I would have never made those comments from the podium, had I known exactly what was happening in some of those settings.

Whether or not it was illegal is a matter for other people to address, but I could not say honestly today that this administration does not believe in torture or does not engage in torture. Now, people within the White House continue to believe that it doesn’t—is not tantamount to torture. I just hold a different view today on that subject.

**JANE MAYER:** Well, you know, he’s joining a growing list of administration officials, former administration officials, who are now admitting that what they were doing was torturing. You’ve got Richard Armitage, who was the deputy secretary of state and a combat veteran from Vietnam, and he said recently that “I am ashamed we are even having this conversation. Of course, waterboarding is torture.” You’ve got the—Ridge, the former Homeland Security secretary; Tom Ridge came out and said waterboarding is torture. Mike McConnell, who’s currently the head of the Homeland—the National Intelligence Directorate, said, “If it was done to me, I would think it was torture.”

You know, it’s becoming harder and harder, I think, to defend these tactics as not being torture. You’ve got the—as we discussed earlier, the Red Cross saying this is torture. You’ve got the entire world basically saying it’s torture. You’ve got the United States law saying it was torture up until 9/11.

And why are they still saying—why is the Attorney General still saying it’s not torture to waterboard someone? Well, because the consequences of acknowledging that this is torture are really serious. It’s a serious crime. And there are no kinds of excuses for torturing people. Under the Convention Against Torture, it’s an absolute law. It says you can’t torture in wartime, you can’t
torture for national security reasons. It’s one of the rare laws that has no escape clauses. So, if they admit that this is torture, they’re in hot water.

AMY GOODMAN: I saw John Yoo, the UC Berkeley professor, law professor, at the Aspen Ideas Festival. Someone quietly said, “They should indict, not invite.” But what about the battle within the Justice Department around this?

JANE MAYER: Well, I mean, it was—if you go back and look—and what I’ve tried to do in The Dark Side is take all the facts and put them back in order, so people can understand this as a chapter of history, one great big story. And it basically begins right after 9/11 with a handful of lawyers in the Justice Department reinterpreting the laws in order to justify these programs. And specifically John Yoo, in some of his memos—

AMY GOODMAN: His role? His position?

JANE MAYER: Oh, he is the deputy director of the Office of Legal Counsel in the Justice Department. So he’s the number two in the office that basically advises the executive branch on what’s legal and what’s not. He becomes the go-to lawyer for the most aggressive bunch of the officials in the White House, which basically begins with Vice President Cheney, Vice President Cheney’s lawyer, and a handful of lawyers in the White House counsel’s office, who want to do—go to the limit on being incredibly aggressive against terrorists and be able to basically take the gloves off, as they say. So, John Yoo reinterprets the laws.

He does warn, almost from the very beginning, though—if you read his memos carefully—that there might be some criminal problems with this. He just lets them know in a little sub-clause somewhere in these memos and then, meanwhile, says that if they cite national security, the President stands above the laws, and he can just say that if torture is necessary, it’s then legal.

AMY GOODMAN: And yet, you said at the beginning of this broadcast that President Bush was personally advised about this stepping over the line.

JANE MAYER: Well, beginning with the John Yoo memo. All the way through, really, there’s been this—there have been warning after warning about the legal problems that might come from this. And at a certain point, the CIA became very, very nervous about it, after the—particularly after the Supreme Court ruled in the Hamdan case, that they might be prosecuted for war crimes.

I mean, there’s an anecdote in this book. At one point, Alberto Mora, who was the top lawyer for the Navy, the general counsel, took out a statute book and read it out loud in a meeting and said, “You know, you may acknowledge these laws or not, but these laws exist.” And he read the possibility—you know, the war crimes problem that these people might face. He warned them that some of the officials might have trouble traveling abroad in the future.

AMY GOODMAN: David Addington, Cheney’s chief of staff, and Vice President Cheney himself.

JANE MAYER: Well, yeah. I mean, the thing is that these are legal fights, and there’s always another side. And the Vice President and his lawyer felt that, in their view, the President should be able to do anything in order to protect the country. I mean, and that is why they did these things, and they also had a very robust idea of what the President’s powers should be anyway. They’ve been missing the full imperial presidency since the Nixon years, and so they basically
expanded the powers of the presidency to be above many of the treaties that we’ve signed.

AMY GOODMAN: Can we talk about who died in custody and what happened to the reports about them, like, for example, al-Jamadi, who he was?

JANE MAYER: Yeah. I mean, this is another thing. When—you read the statement from President Bush on September 6, 2006, saying that these methods are safe. Well, there were people who were killed in this program, and one of them was an Iraqi—former Iraqi military figure named Manadel al-Jamadi, who was completely healthy the night that he was picked up by the US military and the CIA. By the morning, by dawn, he was dead. And according to the coroner’s report, while he was being interrogated, in particular by the CIA, he was hung in a position that the coroner described as being crucified, and he suffocated. He died. He had broken ribs. He couldn’t breathe, and he couldn’t breathe in that position.

So, was it safe? It certainly wasn’t safe for Manadel al-Jamadi. There were a number of other homicides that have been investigated by the CIA and passed on to the Justice Department for possible prosecution. Nothing has ever come of them.

AMY GOODMAN: The report on Jamadi, the CIA’s report—

JANE MAYER: It was a homicide—

AMY GOODMAN: —did it get released?

JANE MAYER: Oh, no. And it’s been—no, it’s—of course, all of these reports have been kept secret. So, you know, the Justice Department is in a very ticklish position about prosecuting these cases, though, because the Justice Department provided the rationale for this program.

AMY GOODMAN: Shaykh Ibn al-Libi, who said he lied to stop the torture?

JANE MAYER: Many of the detainees have said they lied to stop the torture. Shaykh Ibn al-Libi was perhaps one of the most fateful cases, because he was taken into custody by the CIA, sent to Egypt, where he was basically beaten up. While he was in Egypt, this was before the war in Iraq. He was asked, ”Are there weapons of mass destruction in Iraq? And are there connections between al-Qaeda and Saddam Hussein?” He later said he had absolutely no idea. He didn’t even really know what weapons of mass destruction were. But he told his interrogators whatever they wanted to hear. And what he told the interrogators made its way into Colin Powell’s speech to the UN, which was one of the major turning points in selling the war in Iraq. Colin—

AMY GOODMAN: February 5, 2003, five weeks before the invasion.

JANE MAYER: Right. And it was a speech that was very powerful, convinced an awful lot of people who were on the fence about whether we needed to go to war. One of the things Powell talks about in that speech is the information that came from al-Libi saying that there was WMD and that there were connections between terrorists from al-Qaeda and Saddam Hussein.

Almost one year after Powell’s speech, this same detainee, Shaykh Ibn al-Libi, recanted. He told the CIA he made it up. He said he had to say something,
because they were killing him.

You know, one of the things, though, that I think people haven’t picked up on in that story is not only the disinformation that came out of this program, but that there were really doubts about al-Libi at that time that Powell gave that speech, and Powell was not told about the doubts. The DIA, the Defense Intelligence Agency, already suspected that al-Libi was fabricating things, because his confessions lacked all the kind of detail that’s convincing. And the DIA was sounding an alarm, but Powell wasn’t told about this when he gave his speech.

AMY GOODMAN: And what was Cheney’s role?

JANE MAYER: Well, Cheney vetted the speech, so he—his office was just deeply involved in almost all of these issues. You know, David Addington was up in Congress not very long ago, and he testified. And again, people didn’t pick up on this much. But he said as kind of an aside that he was very involved in the CIA’s interrogation program, which is extraordinary. Now, why is the lawyer for the Vice President involved in the CIA’s interrogation program? Well, when the history of this is told—and I did my best to tell it in *The Dark Side*—you’ll see there’s sort of fingerprints from Cheney and the people in his office all over this program.

AMY GOODMAN: You talk about Cheney’s involvement with the CIA Inspector General, John Helgerson. Can you explain?

JANE MAYER: Yeah. In the spring of 2004, the Inspector General at the CIA, who is supposed to act as kind of an independent watchdog, put out a report, you know, a confidential report. But the report was the size of two Manhattan phonebooks—I’ve had it described to me—and filled with really disturbing information about things going wrong in the CIA’s interrogation program. He had serious legal questions about whether there were crimes being committed.

And when this report was circulated into a few hands in the top of the government, including Cheney’s, Cheney’s reaction was to call the Inspector General into his office for a private chat. Now, I don’t know exactly what happened, but I can say, from having interviewed other inspectors general from the CIA, including Fred Hitz, this is really unusual. The Vice President called in the man who was supposed to be the independent voice of the CIA to talk to him about this report. I’ve talked to the CIA about it. They say that Helgerson felt no political pressure from the Vice President. That’s not what some of my sources say at the CIA. My sources have said that that was an incredibly politicized office.

AMY GOODMAN: Do you think Vice President Cheney should be charged with war crimes?

JANE MAYER: You know, this is so not the kind of question that I can answer as a reporter. My job is to figure out what the facts are here, put the facts together, put them in front of the American people, and let people decide what they want to do about this. You know, all I can ask for—

AMY GOODMAN: Do you feel President Bush should be?

JANE MAYER: You know, again, it’s just completely not my kind of call. What I want, personally, I want the facts. I want to be able to get the records, get the memos that are still secret, find out as much as we can about this interrogation program. And I would like to see a debate, and I think it’s developing in the
campaign, about whether this country, which was founded on the idea of everybody having inalienable human rights, whether this is the right thing for our country to be doing, to be hurting people to get them to testify against themselves.

**AMY GOODMAN:** What were you most shocked by in the research for your articles and the articles leading up to this book and the book?

**JANE MAYER:** You know, I mean, not shocked, but surprised in one good way, actually, which I think people will think is—you know, that this is all depressing. I was really moved and surprised by the number of courageous people in this country, inside the administration, inside other parts of the government—the FBI officers, the military officers—there are people down in Guantanamo—who stood up and said, “We’re better than this. This is wrong. We’re not going to do this.” There are people who risked their careers. There were lawyers in the Justice Department, one after another, who—they felt so worried about opposing the Vice President, at one point several of the top lawyers in the administration thought they were being wiretapped because of it.

**AMY GOODMAN:** Who?

**JANE MAYER:** Jim Comey and Jack Goldsmith.

**AMY GOODMAN:** You also said FBI agents were so appalled by Mitchell’s actions they urged the FBI to arrest him.

**JANE MAYER:** That is true. And there is another FBI agent named Jim Clemente, whose story is in this book, who said, “This is a crime. You’ve got to stop it.”

**AMY GOODMAN:** We have to wrap, but thanks so much, Jane Mayer. She’s author of the book *The Dark Side*.

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