Harry Kreisler: Welcome to a "Conversation With History." I'm Harry Kreisler of the Institute of International Studies. Our guest today is Mark Danner who is professor of journalism and politics at UC Berkeley and at Bard College in New York. He is a regular contributor to the New York Review of Books and a staff writer for the New Yorker. Two recent publications are <u>Torture and Truth</u>, and <u>The Way to War</u>. Mark, welcome back to our program.

Mark Danner: Thanks, Harry. It's good to be here.

HK: I was preparing for this interview and found a piece that you wrote March 7, 1993 for the New York Times, "How the foreign policy machine broke down." Again, that's 1993, and you wrote in that article: "To prosecute his most controversial policies a president should feel obligated to build a public consensus by convincing and educating the people rather than being tempted to misuse secrecy to avoid that scrutiny." Very prescient, this article. So, it raised in my mind the question, before we talk about Iraq and all you have to say about that war, are some of these problems structural that we're about to talk about, a failure for our foreign policy to adapt after the end of the Cold War?

MD: I think that is the case. I think that's a very astute point. I think the reliance on secrecy has become a crutch. Certainly during the Cold War, if you look at the use of the CIA, which was new to American politics – it was really established in the National Security Act of 1947, and the use of the CIA in the late '40s, late '50s, and especially early '60s, to overthrow regimes in Guatemala, Iran, to make a few changes in Africa, to involve the United States very vigorously in the post-independence, post-colonial struggles on the so-called periphery in which the Cold War was actually in a large part fought. This reliance on secrecy, I think, became a very dangerous crutch for American presidents. After all, if you could overthrow, for example, Jacobo Arbenz in Guatemala without having to send the army, without having to talk about in public at all, simply by using the

CIA, throwing in a few bucks, few airplanes, and coming up with a change of regime, why involve the American people? Secrecy was a very useful tool to give the president freedom of action. The problem is that when it comes to sustained military involvement there's nothing more important than building resilient public support, not just public support in the first few days or few months of a war but public support that will last, and the only way to do that is through the hard work of convincing the public and using honesty, which sounds like a very radical idea. But we've seen the consequences time and again since then, when presidents have taken the shortcut, have relied on spurious reasoning to get the country into military involvement, and public support has then slipped away. The government has essentially said, "Oh, goodness, why isn't the public more patient?," as if the president himself didn't bear the main responsibility for actually building that public support in the first place. And of course, as you and I sit here, we're in that position precisely, one more time.

HK: It's as if there's memory and historical record which we forget when we ever – whatever the new decade is, and the new phase basically. Is that a fair assessment? Because it's as if we went into Iraq not thinking – or at least let's put it this way, the public not being informed or reminded of what our history was in Iraq, either because it was secret or because our leaders chose not to go into that.

MD: Well, I think you've put together really several large issues there in that one benign seeming question. On the one hand, presidents would like freedom of action, they'd like to act quickly, they don't like to explain themselves, and they are given, as this administration certainly is, to advertising campaign-like public efforts to convince the public. They chose weapons of mass destruction for a variety of reasons, some of them within the government, bureaucratic reasons as Deputy Secretary of Defense, Paul Wolfowitz, put it, but also because this was a way to gin up fear most effectively in the short term. So the reliance on this what turned out to be a false reason has dramatically damaged the policy and led to a collapse in support of the President, of the administration, and of the war itself. And that collapse in support is now driving policy. The reason why obviously we're talking about withdrawal, withdrawal, withdrawal, is because of the collapse in public support, which is now the dominant political current of our time. Having said that, I think this administration is rather unusual. I think the problems of secrecy and the temptation of presidents in the American system to rely on secrecy has been a constant of the post World War II U.S. role in the world, and I think this, as you put it out in the first question, has a rather structural source. The United States is a very odd creature. It's a democracy and an empire. It's like one of those fabulous creatures from Greek mythology, with a goat on the top and a lion on the bottom – doesn't fit together very well. And you know, the Greeks knew this – I've called this in various writings in the past, the Athenian problem. Athens had it, as well. How are you a democracy at home – and they were in a rather limited sense – and an empire abroad? Because you have an essential contradiction there, which is how do we – we need public support, by definition, yet our imperial burdens demand that we intervene rather more frequently than the public would like. That's a structural problem in the American system. The Bush administration, I think, is a special case of that because of their general lack of pragmatism. Most American governments are in one way or another pragmatic in how they approach the world. The Bush administration is much more ideological than any government,

certainly, American government, in my lifetime, and they essentially closed their eyes to the reality of Iraq, the reality of Iraq before the war, and to a lot facts that the government knew. You know, one of the striking things about this war is that it was designed, planned and executed, in effect, by a tiny number of people. There's a great deal of intelligence and knowledge within the government, CIA, the State Department, other places. These people, in general, were cut out, and we see the cost of that. I mean, the idea was anybody who was not fully supportive of the war, we have to cut out. And indeed, they were successful in getting their war and going to war in a war of choice, which is an extraordinary achievement, on the one hand. On the other hand, they suffered the fate of doing this – of closing their eyes essentially to inconvenient facts which have risen up, as inconvenient facts do, and come back to bite them, and come back to bite the United States and the Iraqi people.

HK: You are a man very interested in ideas and what I want to get back to now is the ideas that were in the minds of the people in the Bush administration who made these decisions. And going back and looking at this 1993 piece, one is reminded that Cheney and Rumsfeld actually represent a minority position in the foreign policy debates, and in fact, we know that Cheney wrote a dissent in the Iran Contra report, which essentially laid out his notions of the executive. Talk a little about that, because in a way, this faction triumphed.

MD: Yes. I think that's a fascinating issue you raise. I think it's important to remember that the two major actors in the Bush administration were two men who at a very young age attained extremely high political office in the Nixon, and then Ford, administrations. I think Cheney was 32 or 33 when he became Chief of Staff to President Ford. Donald Rumsfeld became the youngest Secretary of Defense ever, and of course, shortly before he left office he became the oldest Secretary of Defense ever, a remarkable achievement. So, the political careers of both of these men, and the political thinking, was forged as very young men amid the ruins of the Nixon administration, and the attempt at restoration of the Ford administration, and it gave both of them, I believe – and Dick Cheney has been explicit about this – an abiding conviction that the power of the presidency has been eroded by Vietnam, by Watergate, by the post Watergate set of laws, which now in the Bush administration they have circumvented. The most obvious one is the NSA wiretapping which pretty bluntly circumvents the so-called FISA, the Foreign Intelligence Surveillance Act, which was passed in '78 but is a post Watergate, one of the key post Watergate laws. Another is the War Powers Resolution which limits the president's power to go to war. So, their political thinking was forged in this era, they came to office determined to restore to the president – and as I say, Vice President Cheney has been explicit about this – his rightful powers to conduct foreign policy free of congressional and other interference and to make war free of congressional and other interference. So, I think a large part of what might be called the overreaction to 9/11 – I'd certainly consider it an overreaction – when it comes to the executive's very strong action and decision to circumvent Congress on something like wiretapping where they probably could have gotten Congress' say-so if they'd asked, really comes from a conviction about presidential powers and a belief in the so-called unitary executive. That is, in certain areas, including the war making area, the president essentially should be unencumbered by any congressional interference, which is again, a very radical view, a view that I can't think of any other administration holding, certainly not in my lifetime. The only

comparison of these men and women to past administrations, I think, are the people in the early '50s who supported rollback of Communism. These were people who opposed George Kennan's view of containment, which of course became the dominant American policy, containment of the Soviet Union, which envisioned essentially living with the Soviet Union but making sure through steady pressure at the periphery that it could not expand, and relying on an eventual collapse of the system from within, which of course happened. And the rollback types in the early '50s believed that this was an amoral policy, that the philosophy of the United States demanded that it confront and destroy Communism, that it roll back its gains in Eastern Europe and eventually push into Russia itself. And that policy is – to some degree coexisted during the Truman and Eisenhower administration. The only time it was actually tried was when General MacArthur went to the Ahloo [?] in North Korea, actually went up the Korean peninsula. That was, of course, a catastrophe, and it was definitively discarded in 1956 when Eisenhower refused to support the Hungarian revolutionaries and they were crushed by the Soviets. Anyway, the point of all this is that their way of thinking about foreign policy, Cheney and Rumsfeld in particular, and many others you could name, I think, has no precedent in American post-war foreign policy, and it's important to remember that, that the United States – they're essentially trying an imperial experiment, more dramatic and more radical than any in our history.

HK: This rollback notion is an important one, which I want you to talk about, because it shows the way we forget our history. When I read your article after four years, I guess, of the Bush policy in the New York Times I saw the reference to rollback and I said, "Yeah, that's right," but no one else had made that connection. And the connection here is in rollback is the idea that to deal with the adversary you go to his base and transform it, and that's what their idea of democratization was in the Middle East.

MD: Absolutely. I think there're two – you point out the kind of operational principle, which is that you don't live with the enemy, you go into his territory, destroy him and change him, make changes. There's, of course, at the root of that a moral precept, which is that the United States cannot live with evil. I mean, this really is a policy that has its roots in a kind of Manichean view of the world, that the Soviet Union was evil, the Evil Empire as President Reagan called it, although of course, his rhetoric, Reagan's rhetoric, was Manichean but his actions weren't, particularly his dealings with Gorbachev. But the roots of this really lie in this moral view of the universe that I think is in its essence anti-pragmatic. It says the U.S. by its nature is – must spread freedom and democracy, the Declaration of Independence is a universal document, it's not talking simply about Americans, it's talking about the entire world, therefore the mission of the U.S. is to spread freedom, spread democracy throughout the world. And of course, President Bush was absolutely explicit in this, in his second inaugural. That address, which is quite short, beautifully written, is a call for the United States to be the worldwide evangelical spreader of democracy everywhere, which is a view that, I think, few of the framers would have recognized. Of course, that idea would have been ridiculous in 1776 or 1787, the U.S. wasn't in a position to do that, but this has been a debate throughout our history. The 19th century Daniel Webster famously said that the U.S. should be a shining example to the world, that the U.S. shouldn't attempt to intervene and change things, and

this has been a debate that's gone back a long way and is now very current, but these ladies and gentlemen have believed that the U.S. has a duty to change the world and to use its military force, now that we're at a unipolar moment, as Charles Krauthammer has called it, to change things and to create a democratic tsunami throughout the Middle East. The Iraq war is obviously over-determined, that is there were a number of different reasons linking together, and people within the government certainly, and supporters outside the government, supporters of the war, had various reasons for supporting it. There were several: national security reasons, weapons of mass destruction, spreading democracy, obviously the oil imperative, but I take the philosophical attachment to spreading democracy, to democratic reform within the Middle East, quite seriously. I think they were quite serious about it. I think Paul Wolfowitz, for example, was quite serious about it. I was recently in Indonesia where he's well remembered as ambassador there who spoke about openness, who demanded reform in Suharto's Indonesia, reform, of course, that eventually came. He saw such reform in the Philippines, for example, when he – during the Reagan administration. So, this is not simply, at least in my opinion, a mask on the face of a much harsher policy that has something to do with oil and geo-strategic interests. I think it's real.

HK: Would you sort out for me the role of the neoconservatives? Because I think it obscures things to say, as some people do, not you, that Rumsfeld and Cheney were neoconservatives. In fact, they weren't. They're American nationalists coming out of the background you've just described. But who were the neoconservatives and how important were they in formulating this Iraq policy?

MD: That's a very good question. It's a complicated one. You know, people, in general, don't like to be labeled and they perceived correctly that labels are used by the press and used by people in such a way that they tend to eliminate differences and subtleties in people's views. People's views tend to be rather subtle, different, and people are different with one another, so you're very often see people who have been labeled this way rejecting it, and I don't blame them. On the other hand, it's a convenient way to classify people. We're talking about – and it's at the heart of the neoconservative movement, such as it is – I don't know if it is really a movement – is a group of intellectuals who were liberals, many of them Jewish intellectuals, some of them going back to debates in City College in New York, or later City University in New York, debates between Stalinists and Trotskyists essentially, in the 1930s and 1940s. Many of these people were on the Trotskyist side, so they tend to have a revolutionary attitude in their mind, but also a revolutionary attitude against the prevailing power, which was Stalinism at that point. In the 1960s, late 1960s, many of them became outraged at what was going on, on college campuses, at what they viewed as the transgressions and overstatements of the American new left, and this led them, in many ways – and again, this is very simplistic – in a conservative direction, late '60s, early '70s. Also, the necessary – what was perceived by them as the need for American support of Israel was also for many of them very important, and it led them to become more conservative, to become first conservative Democrats following Henry "Scoop" Jackson, the senator from Washington State, "senator from Boeing," was important in this – first conservative Democrats and then eventually to become Republicans. Many of them became Republicans in the late '70s and many of them then went over to Ronald Reagan. So, they formed the kind of intellectual court of the Reagan administration. Norman Podhoretz, then the editor of

Commentary Magazine, is an obvious one. Irving Kristol, known as the godfather of neoconservatism – each of these men, not by coincidence, have now sons, or sons-in-law, who are prominent members of the current neoconservative group. Podhoretz's son is John Podhoretz, a fairly well known conservative writer…

HK: And Abrams is his son-in-law. Right?

MD: Abrams is his son-in-law, Elliott Abrams, who is Deputy National Security Advisor in the Bush White House, and of course, William Kristol, is son of Irving Kristol and was the Chief of Staff for Dan Quayle and is now the editor of the Weekly Standard, leading neoconservative magazine. I think you're right to say that Donald Rumsfeld, Dick Cheney, aren't really of that group. They certainly don't share that history. They do share a lot of common interests, not least their support for a war in Iraq. I think their reasons for that had more to do with national – rather traditional national security reasons, although these things are hard to tease out because of what we know of Rumsfeld and Cheney – of course, are there public statements. By definition, they have strong feelings about presidential power, strong feelings about the need for security after 9/11. A lot of this is detailed in Ron Suskind's book, The One Percent Doctrine, when he talks about the notion of the necessity to respond if there is even the slightest doubt about weapons of mass destruction in the hands of an enemy state that might supply those weapons to terrorist groups. One flaw, of course, of this philosophy is it doesn't take into account the risks of responding, as we're seeing now in Iraq. The idea that you have to respond because the risk is so great doesn't solve the problem of whether it's smarter to respond or more risky to respond, that is the question of whether you could do more damage by intervening in a place like Iraq than sustaining the risk and seeing what happens. In any case, I think you're right that Cheney and Rumsfeld are kind of different, certainly in their backgrounds, and probably in their philosophies, as well, but as so often in politics, people who have a similar goal, regardless of where they have gotten that goal, what their reasoning is, come together. So, you have people who are concerned about oil supplies, national security, geo-strategic issues, people concerned about weapons of mass destruction – there were some, that wasn't a fake issue, it was a real issue – people like Wolfowitz, and others, who talk about democracy and a democratic tsunami, President Bush who may well have been sympathetic to that view, all of these people – it's like there are these different vectors coming from different directions but all pushing, joining together and pushing an arrow in one direction, which is how I think you have to think about the Iraq war, that a lot of people with different reasons, some of them very different, some of them shading over one into the other, came together. And the neocons obviously were part of that and we're seeing struggles now about them trying to retain influence possibly by thinking about strong action with respect to Iran.

HK: If we compare Reagan to Bush II, Iran Contra to the mess we're in right now, I'm curious if it helps us understand the failure of checks and balances in this present era. You write at some point, in looking at their failure, the Bushs' failure to consult with the bureaucracy, with the government, that they lost that capacity to learn before they made mistakes. And so, where I'm going in this is I'm curious, there were much fewer disasters in the Reagan administration. What is the difference?

Obviously Iran Contra was a mini-disaster, but what is it about this group – were they also in revolt against their own government, basically?

MD: Well, as you point out, these are the same people and there was a lot of publicity and discussion when the various officials were named in the Bush administration in late 2000 – early 2001, because they started so late because of the election. There was a lot of the discussion of the experience of all of these people, how – in fact, one of them, Richard Perle, I should say, said to me not long after they took office that – I said, "How are things going?" He said, "God, it's a delight to have grownups in power again." Delight to have grownups – you know, there's this general assumption that they really knew what they were doing, and of course, it's not the least of the many remarkable things about the Bush administration, that these people who so knew what they were doing have brought us to this pass. I think when you look at it more closely though, and your question is a really good one, it's not that surprising. The distrust – the great experience of many of these people led them, among other things, to distrust very deeply many parts of the bureaucracy, and this tendency, particularly within the Republican Party, is very pronounced. It goes back certainly to the Nixon administration, the distrust of the CIA, for example, which led to the creation under, actually, the present President's father, George H. W. Bush, when he was director of the CIA, to the creation of so-called Team B, which was a panel put together by then CIA director Bush to examine the CIA's performance in estimating the power of the Soviet Union, which many of these neoconservatives – many of the names are the same who were on this committee – they claimed that the CIA was underestimating the power of the Soviets, which of course, in retrospect is kind of ridiculous, but that is what they claimed, that is what the report said. But this tendency to view the CIA and other parts of the government, the other is – the State Department especially, as the enemy, as the obstacle to change, as the obstacle to dramatic action, as the thing you have to get around in order to act dramatically – this goes back certainly to the Nixon administration, and certainly to the early '70s. So, the attitude is quite familiar. The difference though, I think, in your very good question comparing the Reagan administration and this administration, same people mostly – to me, there were two differences. One was the presidents involved. Reagan was, in general, a rather cautious man. He was rhetorically very bold but when it came to major changes in policy he was very cautious. And of course, there was the Cold War, probably the third reason one should cite. The Cold War tended to order the world in certain ways. Both sides in it, Soviet Union and the United States, knew through long practice – by that time it had been going on thirty years – what the borders were, what the sort of red lines were, what could and could not be done, what could be done rhetorically but what could actually be done physically, and that put a restraining influence on policy makers. It's almost like they were on a leash. And you know, when you talk about Iran Contra, Central America – Central America's fascinating to realize – I mean, perhaps point four would be the fact the Reagan administration came in really still in the wake of Vietnam. I remember vividly – I [?] reported Central America, as you know – that the number of military advisors in Central America and Salvador was limited to 52. And this was a limit imposed by Congress. The aid to the Contras was limited by Congress, which is where you got Iran Contra. So, you had these limitations on power which the end of the Cold War removed, and the Bush administration, the current one, was very conscious of the fact that as people have written, this was a unipolar moment,

that the United States power, as they believed, was not only unprecedented but unrivaled in the world, that the United States, depending on who you believe, spends more on its defense than the rest of the world combined, that we have overwhelming military power and directed munitions, all these things that make, in their belief, the military in the United States almost miraculous. And they were eager to try it out. And of course, the final difference, you know, number five, would be 9/11, these attacks on the United States which gave the Bush administration an unprecedented opportunity to act. It put the President's approval ratings in the high 80s, people were scared, people wanted action, people wanted to be protected, the attacks were unprecedented and were of a level – caused a level of fear that was really unprecedented in the United States because of how unusual they were. I mean, they were attacks on civilians, people who were having coffee, looking at the stock market, getting their restaurant ready, and so on, and they came out of the blue. So, the level of shock of this gave, I think, the administration that was already predisposed to strong action a kind of freedom of action that was a kind of dream, that never would have happened otherwise.

HK: We can't go over all that you've written about the Iraq war, and you've been there, I know, four or five times, several times since the war started, but I did want to focus on one story that you tell, and I should recommend to our audience that they go read your articles in the New York Review of Books, and the New York Times, on the Iraq war. But you tell a story, which is – one of the things you often do so well is a simple anecdote that sort of captures an awful lot, and I would like for you to retell the story which points to the failure of implementation, once we won the "military victory," and this is the story of a meeting between Powell, Condi Rice, the President, in which Powell brought the news that we had a dual chain of command in Iraq. Tell that story, because it sort of captures beautifully the level of incompetence that was at work here.

MD: Well, this is – I should say that this is a story that's originally told in Bob Woodward's book, State of Denial, which is his third book about the Iraq war. He recounts a meeting in the oval office in which the President, Condoleezza Rice, then the National Security Advisor, and then Secretary of State Colin Powell, were discussing what was going on in Iraq. This was during the first weeks of the occupation, and Colin Powell pointed out that there was essentially a dual chain of command, that you had Donald Rumsfeld running policy through the Pentagon and that you also had Paul Bremer coming up – sorry, you had Paul Bremer on the civilian side…

HK: General Sanchez…

MD: …General Sanchez on the military side, and these two chains of commands that supposedly were going up through Donald Rumsfeld, that he was supposed to fix – or he was supposed to mediate between, and that in fact – and the implications of this are interesting. One could talk a lot about it, but when you look at the organization of the American government, in effect, by putting those two chains of command under Donald Rumsfeld you were essentially bypassing the whole national security system that had been set up in 1947 to give the President control over foreign policy, because everything is supposed to go through the National Security Council run by Condoleezza Rice in the President's name, run by the National Security Advisor. In effect, this puts

all the power of the occupation under the so-called National Command Authority, which is run by Donald Rumsfeld as Secretary of State. So, the implications of this are extremely important. They mean that the entire national security bureaucracy of the American government is essentially bypassed by Donald Rumsfeld when it comes to the Iraq occupation.

HK: So, "the decider" is not "the decider."

MD: Well, exactly. Well, "the decider" is nominally still "the decider," because the President is obviously over the Secretary of Defense, but it doesn't go through Condoleezza Rice, and the other bureaucracies of the government that are supposed to examine every decision. And in any event, Powell points this out, in Woodward's telling, and Condoleezza Rice says, "That doesn't sound right. That's not right." And Powell insists, "No, it is right." And Condoleezza Rice says, "Well, excuse me a minute," and she gets up and she goes back to her office, presumably to check, and she comes back, again in Woodward's telling, and says rather sheepishly, "Actually that is right." And I recount this story because to me, it's so indicative of the way the war was managed, not simply that it went through Rumsfeld in this way, which was a catastrophically bad decision, not because he's necessarily a bad man, or incompetent – I mean, one can argue about that – but because it essentially cuts out the entire U.S. government from – except for the Pentagon, from making decisions about the war. But more importantly, I think it indicates – you know, the idea that the National Security Advisor didn't actually know this on the spot and had to go back to her office to check is beyond parody. It's almost impossible to say how important and how disturbing that is. And indeed, I think, as many people have pointed out – Lawrence Wilkerson, for example, who was Powell's Chief of Staff, has written about this – the way the government worked was essentially disfigured by Rumsfeld and Cheney, most of all. The way it was intended to work, using the structure set up in 1947, which each president fiddles with, was completely overturned by the superior knowledge, determination and aggressiveness of the Vice President and the Secretary of Defense. And I think there's been too little attention paid to this, that there were actually structural things that were changed in the government. I mean, some people have written about it, but not enough people are aware of it, I think.

HK: If we look at the body of your work, it seems to me that you, as a writer and author and journalist are a witness to history and that one of the themes that comes up again and again in your work, in El Mozote and in your current work, is the relation to truth to power. And one of the topics that you have focused on in this recent period is the problem of torture, and revealing through your writing to the public what is going on here. Let's talk a little about that, because in a way it's about the use – in addition to what we did, that is, started torturing, it's really about the use of words and redefining the meaning of torture.

MD: I think that's true – I guess – you know, broadly – I mean, the way you ask the question, which is about a continuing interest of mine, just provokes me to say that I think one theme that has been constant is a counter theme to the usual journalistic idea that once things are exposed, they're changed, that you know, if you just make a revelation about torture, or a revelation about a massacre

in a small Salvadoran village, or you can choose what examples you like, those are mine, that somehow the world will come in, the public will come in, and things will be remedied, it's the role of the journalist to expose, it's the role of the public and the world to fix. And I think there's a lot of evidence that contradicts that, not least the history over the last five or six years now of the United States and torture. And the story is a complicated one that I've told a little of in my articles for the New York Review, and elsewhere, and this book, Torture and Truth. But it's also rather simple, which is that after 9/11 the administration in power decided that it needed to use torture on certain prisoners to get information, that this was a war that was going to be fought mostly, as Richard Cheney said, on the dark side, and that it was a necessity, when you imprison certain people, that they be made to give up their – whatever information they had because it might have to do with impending attacks – that's what they said – but more generally that – you know, to find out about these terrorist networks, and so on, you had to get information, and if you have to torture them, you had to torture them. So, one of the tasks of the government was to make it possible, against some opposition within the government, and there was a lot of it, in one way or another…

HK: Even in the military.

MD: Even in the – especially in the military, actually, especially in the military. The job – and this goes back to the theme of getting around obstacles within the government – the job of the administration, in this view, the view, I think, of President Bush, Vice President Cheney, now Attorney General Alberto Gonzales, then he was the White House Counsel, was to figure out a way to make it possible and "legal" – I should put that in quotes – to torture prisoners. And they did that, and they did it quite methodically, using the Department of Justice especially to write out rationales by which, as you say, words were redefined, most notably, the word "torture" itself was narrowed in its meaning to indicate a practice to, quote, "the first memo" that defined this in August 2002 from the Department of Justice, apparently written by John Yu [?], who of course is a professor at Berkeley, at Boalt Hall here, to define – redefine torture as something that causes pain so severe as to be equivalent to major organ failure or death. And if you think about that for a moment, there's a lot you can do to a person, a lot of painful things, where you're arguably not rising to that level of pain. You can hurt somebody very badly and still say, well, it wasn't the level of major organ failure and death. So, the bureaucracy came up with this definition and made it possible to legalize practices that have included water boarding, which is essentially kind of water torture that was used in Argentina during the dirty war, is called "El Submarino," used in Salvador, used in Algeria during the civil war and goes back a long way, the use of extremes of temperature, a long time standing, keeping somebody standing naked in a cold cell for up to, I think, 40 hours – I believe was the CIA limit, and dowsing them periodically with ice water, slaps, the belly slap, open handed slap on the face, slap on the belly, various kinds of actual physical abuse, and many other things that you could name, that I've tried to name in my writings. You know, we're at the point now where we have to recognize that the government did this, it wasn't an aberrant thing, they did it within the government, documents were prepared, many of them are in my book, Torture and Truth. I partly, with the New York Review, published that to put these governments in the – or these documents in the public realm, or make sure they were easily available, I should say. These – they were in the

public realm. But this was done, the decisions were made, prisoners were taken, kept secretly at secret prisons around the world, they have been tortured by any – I would argue, any reasonable application of the word, and this has been going on now for a half-dozen years, almost. And we have to – and I should add, also, that many people have written about it. There are journalists in the New York Times, Washington Post, the LA Times, Wall Street Journal, also, and many other papers, who've done extremely credible work, the New Yorker, too, on this issue, and it's been in the public realm for a long time. So, we want to treat it as a kind of crisis, or something aberrant, but there is a certain point where you call something a crisis, at a certain point you have to say it's not a crisis, it's what the country and the government has decided to do. And it may well be in the next few years – you know, there's been a pushback, as you point out, from within the military, from the courts, notably the Supreme Court, that this gradually will be reversed, and it's been in the process of gradually being reversed and will increasingly regret it, and people will talk about it as if it was the evil Bush administration. But in fact, the country decided to do it, Congress pushed back a little but mostly closed its eyes, and it's happened, the United States did it.

HK: We should mention, as you point out in your writing, that this goes against the culture of he military and it opens up our soldiers to be victims of the same acts in another war.

MD: I think that's true. You know, the American military is very interesting because it has a rather proud history, particularly the American Army, that goes back to George Washington and the Battle of Trenton, in which Washington stated very clearly that prisoners should not be abused, even though it was quite well known at that time that American prisoners in British hands were being abused…

HK: In whose hands, American troops in…?

MD: In British hands. We're talking about the Revolutionary War.

HK: Oh, right. The Revolutionary War.

MD: And it was well known they were being abused, and Washington stated very clearly at Trenton that this is not what this country is about, this is not what this army is about, we won't stand for this, we will not do it, it's deep in the ideology of what this country is and is going to be that we don't do this. And the American military is very aware of this. This is not to say that there have not been instances where they have abused prisoners, there have been a lot of them, but on an official level they have been very proud of the fact that they don't do that in interrogations or elsewhere. So, this was a sea change, really, in American military practice, one that, by the way, should be mentioned many officials fought against. You mentioned this, the JAGs, the Judge Advocates General, the lawyers in the military, fought against it very admirably. And one should mention, also, then Secretary of State Powell who argued vociferously within the government against the decision not to apply the Geneva Conventions in Afghanistan, and those documents are available, they're in my book and elsewhere. He lost that argument, of course, as he lost so many arguments.

But you're quite right that the American military has a tradition, and this one against it, and many officers were deeply troubled by it, and they have since issued a new field manual on interrogation that explicitly forbids most of these practices, and the Deputy Secretary of the Army for Intelligence explicitly – actually on the day that President Bush demanded that Congress essentially legalize explicitly some of these practices, September 6, 2006, the Deputy Secretary of the Army for Intelligence came out and said, "We have learned through long and hard practice that these things do not work." And it was a remarkable moment where you had the President saying one thing and this very high officer, Lieutenant General, saying the opposite.

HK: This rocky debacle essentially comes altogether as a whole piece, and in one of your writings I remember you writing that by going for a war on terror – and I'm paraphrasing here – we moved away from pragmatism and chose not to narrow the focus but to widen it, to say terrorists were everywhere and we had to act there, and Iraq was the place – now this all comes full circle because when you tell the story of torture, what you do is you take techniques that are questionable that you have implemented in Guantanamo, and the Bagram base in Afghanistan, and you apply it to Iraq where you're dealing with a situation where you don't have enough resources, you don't have enough men, you don't know what the insurgency is, and suddenly you need intelligence, so you start arresting people, 70 to 90% of the people who are innocent, you write, and then you bring these torture techniques to Iraq and you get Abu Ghraib.

MD: That's right. That number 70 to 90% who knew nothing about the insurgency comes actually from the Army, from an officer who was on the committees that studied whether people in Abu Ghraib, and other prisons in Iraq, should be released. It's true that – you know, the legal situations in these different wars were different. Afghanistan was not supposed to be under the purview of the Geneva Conventions, was explicitly taken out of it, particularly for al-Qaeda prisoners who were termed illegal – or unlawful enemy combatants. One the other hand, Iraq was fought under the Geneva Conventions, so there was this fiction that these wars had different legal foundations, but when it came down to it, as you point out, when you got to a point of a growing insurgency in the late summer of 2003, and it was obvious the United States had no idea, the U.S. military had very little idea, where these people were from, where they were coming from, what their structure was, they had very little intelligence on them, I think a degree of panic set in and a felt need to get intelligence very quickly, in any way possible. And the maneuver units, the combat units, essentially in different areas, sometimes areas where there were attacks, and so on, would simply arrest a lot of people who to them seemed suspicious, mostly young men, military age men, and would scoop them up and bring them to Abu Ghraib. And it may well have been that of every hundred that they scooped up one or two, or maybe five or six, might have known something, or something considerable about the insurgency, but most of them knew nothing. So, the political damage of doing this was very great. Now once you put them into Abu Ghraib, and other prisons, what do you do with them? How do you get them to talk, particularly if 90 out of 100, say, have nothing to tell you? You know, this is very frustrating. How do you get them to speak? Well, you've put together a method that's been used in Guantanamo and developed over the last couple of years. So, what you do, if you're frustrated, as Donald Rumsfeld was, at the lack of intelligence in

Iraq, you send the commander of Guantanamo – you send him over to Iraq and have him Gitmo-ize the place. So, essentially you're using techniques that have been developed for a place that's outside of the legal realm of the Geneva Conventions by declaration and using them in a place that's still within it, and you know, the whole thing was very ad hoc, it was very sloppy, and it mixed into various kinds of criminality and sadism that you saw at Abu Ghraib. And Abu Ghraib itself, the pictures and what happened during those months in the late summer and fall of 2003, is very complicated. Some of it wasn't intelligence gathering at all, it was kind of terrible abuse in various ways, some of it was related to intelligence, and a lot of it we don't know about because though the military talks, and the Bush administration talks, about 12 investigations, or 11 investigations – whenever you hear people bragging from the government about how many investigations you've done, you can be pretty sure they haven't done the one investigation that would have been actually successful. And that is the case here, that the level of investigation, the seriousness of it, has been wanting, and you don't have one investigation that looks at all areas and that actually looks at intelligence collection and tells you what was going on in the interrogation booths, which is the real question. But it is true that there was this kind of confusion between the broader war on terror and the more limited war in Iraq, and of course, the question of the connection between those two phenomena has been very controversial from the beginning, and it still is, we're still arguing about it.

HK: So, what do we do about Iraq now? I mean, there seem to be no good solutions.

MD: Well, there aren't – I mean, one could say not only are there no good solutions, there are no solutions. There's simply not a solution to Iraq, and we tend to – you know, we have a kind of op-ed culture, you know, everybody needs to take 750 or 1000 words and tell what their solution is, and every politician has to have a solution, and we group people by are they behind the Biden plan, or the Geld [?] plan, or are they behind the surge proposal, are they – and I think, frankly, that a lot of this is somewhat mythical. It's not real. We're engaged in a war, a very complicated war, which has several different aspects. It's got a low level civil war between Sunnis and Shia that really has to do with the fact that you have a ruling group, and a minority, a ruling minority, that has run the Iraqi state, or the territory of Iraq, really, for several hundred years, they've been supplanted from power. They're deeply fearful and insecure and frightened, and also determined to retake power. You have a group that's now in power, Shia, who are in majority and feel by rights they should be ruling with a strong religious element and connections to a neighboring state, Iran. So, you have that civil war continuing, which is being prosecuted on the Sunni side by car bombs, very brilliantly, by the way, and on the Shia side by essentially militias which shade into the government, into the army and into the police. Then you have the international terrorism aspect, which is al-Qaeda in Iraq, which while not closely connected to so-called al-Qaeda central, which is now in Pakistan apparently, was Uristan, is somewhat connected to it and is very conscious of the international aspects of the struggle and publicity, propaganda, and has used these things very effectively. Together, these elements have managed – and it's an astonishing fact that I think people should be more aware of – to defeat the American army. This is the most technologically advanced military in the history of the world…

HK: The U.S.

MD: …the U.S. Army, and using basically very cheap, very simple tools, including improvised explosive devices, which are really just artillery shells taped onto cell phone bases that can be activated at a distance, and suicide bomb vests, and other very simple tools, this kind of congeries of groups, of ragtag outfits, have managed to defeat the American Army, which is an extraordinary thing. That's happened. That's happened, it's already happened, and so there's no solution, there's no way to win the Iraq war. What there is is a choice of whether the United States wants to remove its troops in the near term or wants to leave them there. And in either case this is not going to be a winning war. If the U.S. leaves troops there indefinitely, subsequent presidents, this president and subsequent ones, can say that it's not – the story isn't over yet. In other words, you can say you haven't lost by saying it's still going on, which is what this president is doing. You know, it's still going on, how can you say we've lost, you're a defeatist. Only when, of course, when American government, U.S. government, withdraws troops do they have to concede that it was not successful. So, it's like at the moment of death your whole life passes before you, you can judge your life because it's over, and the administration is prolonging the moment of death, as it were, to give you a macabre metaphor. So, there isn't a solution. I mean, you can point out a couple things. One is that the American military is going to have to start withdrawing some forces sometime in the middle of next spring. Either that or decisions will have to be made by generals and by Secretary of Defense to change rules about what American troops can do and how long they can stay. Now they've already increased the time they spend in country to 18 months, I believe it is, which is a long time. In order to maintain the same force there after March 2008, I believe, they would have to change the rules regarding deployments, which will be deeply, deeply unpopular and deeply controversial, for very good reasons. The military is under enormous stress. Many of these guys who I've traveled around with, and who are wonderful, in general, wonderful, generous people, are on their third tour, or fourth tour, and you have to, I think, look at it from their point of view. The more you're there, the more you're driving around Baghdad, or some other city, waiting to get blown up, and the lower your odds are of getting out of this war with all your limbs, or with your life – so, to impose this tour after tour on soldiers and Marines, I think, is very controversial and very unfair, really. But this decision will have to be made before next March. I think what will happen is troops will start to come home, and then the question will be, how do you deal with the political fallout. Do you declare victory and go home, as Senator Stafford advised about Vietnam? How do you deal with it politically? But it isn't as if there's some kind of solution that one could sit here and say, well, you know, if we move troops here, if we do this, if we do that – you know, there's nothing like that in Iraq to be done. There's a war that has its own evolution. I'm not saying it's not important, what the U.S. does, it is, but winning in Iraq is not an option now. I think that maybe six months, or eight months ago, at the time of the discussion of the Baker-Hamilton Commission, I went and actually talked to them, and argued to them that what we had to do was cash in our chips, essentially say our chips are a U.S. departure. That's kind of the thing we have to bargain with, and if we can realize that that's our strength we can make a deal possibly with the Iranians, the Saudis, bring people together and try to – the base U.S. interest in Iraq now really is to stop a regionalization of the war, to confine the war, contain the war, to use a word in U.S. foreign policy history, to contain

it within the borders of Iraq and hope that eventually it will wind down, that eventually the players will come to a kind of political accommodation at some point. And those are interests, and also containing al-Qaeda. And if the U.S., I argued to Baker and Hamilton, could realize and accept that that is the main interest of the United States, if our officials could realize and accept this, I thought we could make a deal, but you would have to have as an option, if the players we're talking to, like the Iranians, didn't accept the deal, of escalation. Well, we escalated anyway, and since we escalated anyway, we've shown that – you know, the escalation's already happened, so we've really eliminated our diplomatic leverage, using a military tool. We no longer have that. We can't threaten to escalate, which enormously reduces our diplomatic leverage. I think that was a very bad decision. The surge, I think, was a just profoundly stupid – you know, sort of stubborn decision, very characteristic, I think, of the President's personality, who – you know, he seems to be very stubborn, and he seems to regard good leadership as essentially standing firm when everybody else isn't. This seems to be his conception. I think he's very sincere, I don't think there's anything duplicitous about it, I think he believed that this was the right thing to do, but in so doing he eliminated, to me, what leverage he had to make a convincing deal with neighboring states who might have been able to use their influence within Iraq, although their influence, it should be said, is, I think, relatively limited. You know, we're in the odd situation where the Iraqi government, the present government, has two main backers, the United States and the Islamic Republic of Iran. Those are its two supporters. And again, this is sort of a strange situation which, I think, has not been enough noticed.

HK: Mark, on that note of, I guess, pessimism not intended, thank you very much.

MD: Thank you, Harry.

HK: And thank you very much for joining us for this "Conversation With History."

[End of Interview]