

# Desert Sage: *Supervising torture is incompatible with public service*

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**"He that would make his own liberty secure must guard even his enemy from oppression; for if he violates this duty he establishes a precedent that will reach to himself."**

— Thomas Paine

In fragile health, Paine addressed the French National Convention in 1795 as it worked on a new constitution during the French Revolution. This was after the Reign of Terror, the bloody period when Barère and Robespierre promoted terror as a legitimate tool of democracy.

Paine, who experienced the American Revolution first-hand, believed in constitutional rule: the rule of law rather than the rule of monarchs or mob vengeance.

Terror, in short, is not an instrument of democracy. It does not, as Robespierre argued prior to losing his own head, empower virtue.

Yet as I write this week's column, the U.S. Senate Intelligence Committee is questioning a controversial nominee to head the Central Intelligence Agency. While Gina Haspel responds to questions about her participation in torture, not a single senator will use the occasion to question the agency itself.

No senator of either party will revisit the Central Intelligence Agency Act of 1949 or question the agency's independence of oversight by elected power. No senator has the stomach to ask in a public proceeding why a legitimate intelligence-gathering agency should be allowed to conduct secret operations beyond its original mandate to inform policymakers of developments affecting national security.

How impolite it would be to ask how legitimate law and order is preserved by the CIA's covert operations, propaganda campaigns, past medical experiments, or domestic spying (even on members of Congress).

Despite the Democrats' passionate concern lately about Russian influence in our domestic politics, no senator will grill Haspel about the CIA's history of influencing other countries, including assassinations and coups of legitimate elected governments.

The last time senators were sufficiently embarrassed into addressing any of this publicly was in the aftermath of the Watergate scandal more than 40 years ago. This week, there is just enough political embarrassment about the Bush Administration's conduct of torture during the "War on Terror" that the senators feel obligated to ask Haspel about her participation in war crimes. They passed on holding anyone accountable eight years ago, but some will now make a show of scolding Haspel — and then vote to approve her.

Gina Haspel has served three decades in the CIA, a record that includes direct participation in lawless detentions, brutal interrogations, and inhumane confinement. She personally oversaw a CIA "black site" in Thailand where, as President Barack Obama later put it, "we tortured some folks." The brutality she supervised was documented, and Haspel was involved in the destruction of that evidence in 2005.

Obeying illegitimate orders should be disqualifying, but it's not.

Our Justice Department issued memoranda overriding laws and treaties so public servants like Haspel could conduct torture with some legal cover. It later rescinded those memos and, with the help of President Obama, shielded those who followed orders to brutalize detainees under that regime.

It is somewhat amusing that senators confirm directors of such an unaccountable agency at all, but approving someone who submitted to war crimes is repulsive.

Senators will shake their fingers and extract promises from Gina Haspel that such things will never happen again, but two things remain true: the CIA is not under democratic control, and neither party regards torture as incompatible with public service.

To our shame, and Paine's, both of our political parties have defended terror as a legitimate weapon of defense of "American interests."

If voters feel differently, it is time for some deep-cleaning.

Algernon D'Amassa is **Desert Sage**. Share your thoughts at: [adamma@demingheadlight.com](mailto:adamma@demingheadlight.com).

D'Amassa, a former TPF Board member, contributed his first op-ed (in honor of Thomas Paine's birthday) to his local paper in 2009 and began sending in freebies once a month or so. He became a paid weekly columnist in 2014, appearing in three newspapers and occasionally others in the *USA Today* network, as a contractor. In 2017, *USA Today* hired him as a full-time reporter. Next month, he will be assigned to another newspaper as a business and community reporter, and his column will continue in the three papers. He also writes a blog, [algerblog.blogspot.com](http://algerblog.blogspot.com).

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