

# MUDD WRESTLING AND TORTURE

Spencer's got one of the big scoops of the day: that Philip Mudd left the FBI about six weeks ago (so early March).

Philip Mudd, one of the intelligence community's leading al-Qaeda analysts, has quietly retired from the FBI, where he was associate executive director of the National Security Branch. Mudd confirmed in an email that he left "about six weeks ago," but didn't immediately respond to additional questions about his departure.

Mudd was a longtime CIA counterterrorism specialist before coming to the FBI, but it doesn't appear as if he'll return to his home agency. This could be it for Mudd's government career.

Spencer describes Mudd as one of the smartest guys on al Qaeda in government (here's Mark Hosenball's report on this, repeating the superlatives). But, last year, when he was nominated to take over Department of Homeland Security's intelligence side, he was forced to withdraw his nomination after Senate staffers questioned whether he had ties to the torture program.

The White House nominee to be the undersecretary of intelligence and analysis at the Department of Homeland Security has withdrawn, he and the White House said in statements Friday.

The withdrawal of the nomination of Philip Mudd, a veteran CIA analyst who had worked in recent years as a senior executive at the FBI, comes after an AP report yesterday. The report said that a Republican lawmaker planned to question Mudd over whether he had "direct

knowledge” of the Bush-era harsh interrogation program while serving in a senior analytical role at the CIA.

The sinking of the nomination of someone who had served in an analytical capacity at the CIA, rather than in an operational or senior policy one, shows the broad scope of exposure to the controversial Bush-era harsh interrogation program for officials who did not obviously have a direct role in the program.

An aide to Sen. Susan Collins (R-ME) told the AP that “Mudd’s analysts used information obtained through harsh interrogations, and the official said that Mudd is likely to be questioned on whether the analysis branch pressured interrogators in the field to use harsher methods because they believed detainees were not telling the truth.” Collins sits on the Senate Homeland Security and Government Affairs committee that oversees the DHS. [my emphasis]

Now, I didn’t make the connection between these two events last year, but since I’ve been reading the questions CIA’s Inspector General was (probably) asking a manager at CTC in February 2003, I happen to have read this passage of the CIA IG Report just this morning.

Handgun and Power Drill

91. [Redacted] interrogation team members, whose purpose it was to interrogate al-Nashiri and debrief Abu Zubaydah, initially staffed [redacted]. The interrogation team continued EITs on Al-Nashiri for two weeks in December 2002 [redacted] they assessed him to be “compliant.” Subsequently, CTC officers at Headquarters [redacted] sent a [redacted] senior operations officer (the debriefer) [redacted] to debrief

and assess Al-Nashiri.

92. The debriefer assessed Al-Nashiri as withholding information, at which point [redacted] reinstated [redacted] hooding, and handcuffing. Sometime between 28 December 2002 and 1 January 2003, the debriefer used an unloaded semi-automatic handgun as a prop to frighten Al-Nashiri into disclosing information.<sup>44</sup> After discussing this plan with [redacted] the debriefer entered the cell where Al-Nashiri sat shackled and racked the handgun once or twice close to Al-Nashiri's head.<sup>45</sup> On what was probably the same day, the debriefer used a power drill to frighten Al-Nashiri. With [redacted] consent, the debriefer entered the detainee's cell and revved the drill while the detainee stood naked and hooded. [my emphasis]

Of note, the torturers had deemed al-Nashiri compliant. But CTC decided he had more information and sent out an operations guy to further question him, which is what led to two death threats being used against al-Nashiri (the kind of threats John Yoo had specifically refused to approve around July 25, 2002).

The IG Report describes the debriefer here as an operations person. Mudd was an analyst. So Mudd was probably not this person's direct supervisor. But the CIA IG Report later makes it clear that the analysts were the ones driving further torture sessions when they decided the detainee had not revealed everything he knew or should have known.

205. According to a number of those interviewed for this Review, the Agency's intelligence on Al-Qa'ida was limited prior to the initiation of the CTC Interrogation Program. The Agency lacked adequate linguists or subject matter experts and had very little hard knowledge of what particularly Al-Qa'ida

leaders—who would later become detainees—knew. This lack of knowledge led analysts to speculate about what a detainee “should know,” vice information the analyst could objectively demonstrate the detainee did know.  
[three lines redacted]

206. [three lines redacted] When a detainee did not respond to a question posed to him, the assumption at Headquarters was that the detainee was holding back and knew more; consequently, Headquarters recommended resumption of EITs. [my emphasis]

Now, none of this means that Philip Mudd was in the chain of command that ordered al-Nashiri to be tortured some more (and even less of this means that Mudd approved of some cowboy swinging a gun next to al-Nashiri’s hooded head). Furthermore, the IG Report makes it clear that the order to torture Abu Zubaydah one more time, as distinct from al-Nashiri, came from DO, not CTC.

Nevertheless, this report on al-Nashiri—which was made public more than two months after Mudd withdrew his nomination but likely was available to Homeland Security Committee staffers before that point in unredacted form—does match the allegation made by Collins’ staffer pretty closely.

The big question is timing. A lot of Mudd’s bios have disappeared from the web. But when he moved to the FBI from serving as the number 2 guy in CIA’s Counterterrorism Center, here’s how they described that phase of his CIA employment.

Mr. Mudd returned to the CIA in January 2002 from the Near East Section of the White House National Security Council (NSC), where he served as the Director responsible for Gulf and other Middle Eastern issues. His NSC tour concluded with his joining Ambassador James

Dobbins in the U.S. effort to reconstitute a new government in Afghanistan.

Mr. Mudd currently serves as second-in-charge of the CTC, which has responsibility for all-source analysis and global clandestine operations on subjects ranging from al-Qa'ida's leadership to Hizballah to terrorists' use of chemical and biological weapons.

That is, he returned to CIA in January 2002, and a year or so later assumed the role of CTC's number 2. But I'm not sure what Mudd did in the interim year (though he had just returned from helping Hamid Karzai set up a new Afghan government). In other words, it's not clear whether Mudd oversaw the analysts who decided they knew al-Nashiri was withholding information or not in late December 2002.

But the timing sure is notable.