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CIA Whistleblower John Kiriakou: Torture Happens in the US

By Ken Klippenstein

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John Kiriakou exposed the Bush-era torture program and was subsequently sentenced to two and a half years in prison. Kiriakou spent 14 years at the CIA as an analyst and a case officer; he now wishes to dedicate the rest of his life to prison reform, as he told RSN.

Ken Klippenstein: Would you say torture takes place in American prisons?

John Kiriakou: Yes. Yes, I would say that. I'll give you an example: I had a cellmate who I really liked as a person. Before he came to prison, he was living in a cardboard box under a bridge in Pittsburg. He purposely violated the terms of his parole just so he could be sent back to prison and spend the winter in prison where it was warmer and get some medical care.

He had some mental issues; he was taking medication for seizures. He'd been homeless for years. He was a nice guy – I liked him. He took his own personal health very, very seriously. The bureau of prisons has to provide you with medical care while you're in prison, right? What they really do is, no matter what you have, they just give you Tylenol and wish you well and just hope you survive until your sentence is over and you leave and you're not their responsibility anymore.

So this poor guy comes to prison and goes down to the medical unit. He says, "I have seizure disorder, I have depression, I have bipolar disorder ..."

I don't know what they told him or what they gave him, but he came back very unsatisfied. So he filed a complaint. When you file a complaint against a staff member, it's called a BP-8.5, and that's an informal complaint. So at the 8.5 level, you make your complaint in writing and the person you're complaining about gets to respond in writing, with the hope being the two of you can just settle it and the complaint goes away. If it's not settled, you file a BP-9, which goes to the warden. If it's still not settled, you file a BP-10, which goes to the regional HQ, and then a BP-11, which finally goes to bureau of prisons HQ. But the whole process can take as long as a year, where the 8.5 can take just a day.

So he files an 8.5 and he says, "I'm not happy with the care I got in medical, they're not taking me seriously, and they're not giving me the medication that I'm supposed to be taking."

Well they ignored his 8.5 so he filed another 8.5. It got to the point where he was down in medical all the time, filing 8.5s. What they ended up doing was saying, all these 8.5s constitute harassment against staff. They cuffed him and they took him away and they put him in solitary.

Couple of weeks later, there's an incident in solitary. None of us had ever seen this kind of a reaction before: a group of corrections officers dressed as a SWAT team went into the solitary unit – they went with tasers, nightsticks, helmets – it looked bad.

Another prisoner who had been in solitary that day told me a couple of weeks later that my cellmate was so angry at not being given medical care that he sort of lost it. What they were doing was, when you're in solitary, the medical people have to come around every single day to make sure everybody's okay. But when they would get to his cell, they would skip him, and they would skip him on purpose because he had complained about them.

After the first day, he's a little PO'd. The second day they skip him and he's starting to get angry. The third, the fourth day, he starts to go a little crazy, which he was predisposed to anyway. Finally what he did is he stood on his bunk, took off his slipper and used the slipper to hit the sprinkler that was in his cell; that caused the sprinkler system to activate and every cell in the solitary unit was flooded.

So they bring the SWAT team in, they taze him a couple times, they take him down, and then to get back at him for making trouble, they strip him naked and they put him outside. If you're in solitary and you want to go out for recreation, you're allowed to go outside into this cage – it's a ten by twelve foot cage, and you can walk around in circles in this cage. They put him out there naked, and they left him out there 10 hours. I'm talking about zero degree weather and two feet of snow.

He was crying, he was begging them to let him back in, he promised them he wouldn't complain anymore, just let him back in; and finally he passed out and collapsed. After he collapsed they picked him up and carried him back into his cell. To me, that's torture. Because

believe me, I've read the BOP's [Bureau of Prisons] regulations, and that kind of behavior is not in the regulations. That kind of behavior is illegal.

KK: What other practices do American prisons engage in that you think qualify as cruel and unusual punishment under either the US Constitution or international law?

JK: While I believe that solitary can be a form of torture, one of the most important manifestations of "cruel and unusual" punishment is the unconstitutional overcrowding that we see in every prison in America. The Supreme Court actually ordered California to release prisoners because California prisons are 40% overcrowded. But the federal system is 39% overcrowded, and there has been no similar order for the federal system. Overcrowding leads to disease and violence and is not what the founding fathers intended.

KK: Do you think solitary confinement constitutes torture?

JK: I do think it constitutes torture. There are cases around the country, and there is one that's especially egregious, in Angola state penitentiary in Louisiana, where a man's been in solitary for something like 44 years.

KK: How would you say prison accountability compares with that of the CIA?

JK: I think it's very similar, as a matter of fact, because we rely on the oversight committees in Congress to keep federal agencies and departments in line. In fact, most of the members of the intelligence committees in the House and the Senate are really nothing more than cheerleaders for the CIA. We see the same thing with the judiciary committee in the House and the Senate. There's no oversight of the Bureau of Prisons.

I'll give you another example of the lack of oversight. When I was in prison, the Supreme Court ruled on a case – it was an overcrowding case related to the state of California. California is 40% overcrowded and the Supreme Court ordered them to begin releasing prisoners to deal with the overcrowding – 40%.

The federal prison system is 39% overcrowded. There are people sleeping on bunks in hallways, in game rooms, in TV rooms – anywhere they can stuff somebody. I was in a four-man cell that we had six people in. The unit above me had four-man cells that had eight people jammed into them.

As a result, you're constantly passing around diseases and sicknesses. Also, it's bad for violence: When you're living on top of each other like that, you tend to get a short temper about things. It leads to fights and violence. Not just prisoner on prisoner, but potentially prisoner on staff.

Where's Congress in that debate? Why isn't there any oversight related to overcrowding? It's inexcusable and nobody's doing anything about it.

KK: How much transparency would you say there is [for prisons]?

JK: None. None. The only way transparency can be fostered is if members of the media file Freedom of Information Act requests and compel the Bureau of Prisons to release the information. That's the only way the truth's going to get out.

KK: It's incredible how much they resist that. If you don't have a lawyer, you're not going to get anywhere.

JK: No. No, you won't get anywhere.

I actually FOIA'd my own paperwork in the Bureau of Prisons and they sent me something like 235 pages and then they denied like another 150 pages. But what they released to me included – I don't know, six or eight pages, I think that were accidentally released – saying that I shouldn't be in a camp, I should be in a real prison because I have access to the press. There was discussion about how to silence me, how to make sure that I didn't have contact with the press. All kinds of stuff that just flies in the face of their own regulations.

I did everything by the book; they were the ones who didn't operate by the book.

KK: What did they do to prevent you from speaking to the press?

JK: First thing they did was they put a four-day delay on my incoming and outgoing emails. So email turned out to be worthless. I ended up not using it for anything except, after the Pittsburgh Steelers games, a friend of mine would just send me the recaps, which I would get the following Thursday.

Another thing they did was they threatened to charge me with a rules violation — which would've resulted in me going to solitary – because I had been writing a blog called “Letters From Loretto,” and I had sent one of my letters directly to my publisher. They said that I was not allowed to have direct contact with the press. I said, “That is absolutely not true. I printed the regulations saying that I can have contact with the press.”

“Yeah? Prove it,” they said.

I said, “Fine.” I went back to my cell, I got the regulation and I went back to the mailroom and I said, “Here it is.”

“Well, maybe this is outdated,” they said.

I said, “It's dated this month. It was just renewed as a regulation. You guys don't even know your own regulations.”

So then I got called to the lieutenant's office. (If you're called to the lieutenant's office, you're probably going to go to solitary.) She said, “You can't use special mail for media.”

I said, “The regulations specifically say that I’m supposed to use special mail for the media.” (Special mail is, you write “special mail” on the envelope on the front and back, they stamp it on the back, and they’re not allowed to open it. So I said, “Your regulations demand that I use special mail.”)

She said, “Well, if we find you sending blogs to your lawyer, you’re going to go to solitary.”

I said, “It’s my lawyer who sends the blogs to the CIA for clearance. Everything I write has to get cleared. And I can’t let you guys read it, because you’re not cleared – in the event that I have something inadvertently classified in it.”

And I said, “Listen, if you want to deal with this through my attorney, I’m perfectly happy to bring my big gun attorney in here, but otherwise I’m doing things by the book.”

So they backed off and they didn’t send me to solitary, but I never got my email back. What they did was they started opening all of my outgoing mail – in addition to my incoming mail – and reading it and copying it.

KK: Did it seem as though the things that they did to prevent you from getting word out to the media was coordinated at a higher level? Or was this just incompetence?

JK: I always assumed it was at a higher level. I always assumed it was the FBI that was telling them how to do it. Honestly, I don’t mean to sound mean-spirited, but I didn’t think they had enough brains to be able to do this on their own. I thought it was coming from somewhere higher up.

KK: What has been the effect of privatizing prisons?

JK: This is one of the worst developments in the history of the American penal system, in my opinion. The reason being that the whole point of a private prison is to make money. It’s not to care for the prisoners, it’s not to provide edible food, it’s not to provide adequate medical care. It’s just to make money.

I had several friends at Loretta who had spent time at private prisons. They told horror stories about one toilet for 120 people, and it didn’t have a toilet seat on it. Or, one TV for 200 people, so there were fistfights every hour on the hour when somebody wanted to change the channel. Or just the complete unavailability of medicines, just because the prison didn’t want to pay for them — it cut into the bottom line.

I think this is a very dangerous development, and I’m not sure that it happens anywhere else in the world. I don’t think there is any other country that has private prisons.

KK: The prison population in the US is completely insane — I think it’s comparable to Russia during the gulags.

JK: Yeah, during the gulags. We have 5% of the world population and 25% of the world's prison population. In addition to that, one out of every four black men in America is either in prison, on parole, or on probation. How do we justify that? To me, that's an inherently racist system.

KK: Could you talk a little bit more about the intersection between race and the prison system we have?

JK: When you enter prison, you are punched in the face with every racial stereotype you've ever heard of. Everything, absolutely everything, is based on race. Where you sit for meals, who you hang out with, what TV shows you watch; indeed, what side of the TV room you sit on. Everything is based on race. I found that to be very, very dangerous.

I made it a point to not respect those racial divisions. I had friends who were black, I had friends who were hispanic. But I was lucky, I was in a fortunate position: I sort of came in with a reputation as a human rights crusader. And then the week that I arrived in prison, Louis Farrakhan made a statement in support of me in the Nation of Islam's newspaper. A bunch of Nation of Islam guys came up to me – I had been in prison for like, five days – they came up to me and said, "Hey, Reverend Farrakhan says you're a good guy, so you're good with us."

I never had any racial problems after that. I mean, I never had any before that, but I knew that I was going to be safe and in good shape because they respected me and I respected them.

Same with hispanics. In my initial cell, I had four hispanic roommates – two Mexicans and two Dominicans – and when some of the gang leaders asked about me, they all said, "No, he's a good guy, he's a human rights guy, leave him alone." And so, I was very fortunate; I never had any problems with anybody.

KK: So they respected that, the fact that you were a human rights guy?

JK: They did.

KK: Would you say that the prisoners took that more seriously than the government did?

JK: Oh my god, did they take that more seriously than the government did!

When I first arrived, my first meal in the cafeteria, as I was walking past one of the corrections officers, he whispered, "Scum." I kind of turned and looked at him and I thought, well that was odd – and I kept walking.

The next day I was out in the yard, and one of the CO's called me a traitor. I stood there just looking at the guy as he walked past me, and a black guy came up to me and he says, "Don't worry about those guys. We know who you are. Don't worry about it."

And then when I left – and this is crazy, this never happens – the Italians had a farewell dinner for me, the Bloods had a farewell dinner for me, and the Nortenos had a farewell dinner for me.

KK: This was out of respect for your blowing the whistle [on torture]?

JK: It was. The leader of the Bloods gave me a hug the morning that I left and he said to me, “You have to be our voice on the outside. Nobody knows what it’s like in here, and you have to tell them. They’ll listen to you.” And I told him, “Man, I promise, I’m going to devote the rest of my adult life to prison reform.”

People have to know what prisons are like. They have to know what’s going on inside – in their name. Our government does this in the name of the American people. And Americans don’t have any idea what prison life is like.

KK: What do you make of the fact that ISIS is dressing their prisoners in orange? You have the under secretary of Defense saying that they’re motivated by Guantánamo.

JK: I think they are motivated by Guantánamo. Our actions, be they incarcerating people in Guantánamo without the benefit of trial, be they drone strikes – I can’t tell you how many wedding parties we took out with drones during the hunt for Osama bin Laden because we saw a tall man wearing a white robe. Like nobody else in the world is tall and wears a white robe except Osama bin Laden. We killed dozens of people at wedding celebrations that way. Things like that, like Guantánamo and drone attacks, do more to help recruitment for groups like al-Qaeda or ISIS than anything they could do.

People make a big deal about ISIS’ social media presence. Yeah, that’s great, they’re very sophisticated. But what really helps them recruit is actions by us: where we show disrespect for human rights, disrespect for civil liberties, and a propensity to torture people.

KK: On the one hand, you have drones that are exacerbating terror; and would you agree the prison system exacerbates crime?

JK: Oh, absolutely. Yes. There’s no training, there’s no therapy, there’s no education. There’s no way that you can better yourself in prison. Unless you’re looking for your GED – they will give you your GED. But if you want to learn welding, or plumbing or auto repair, or anything, anything at all – you want to take a college course – you’re out of luck. There’s just no money for that kind of thing. It’s because we’re incarcerating too many people and we’re spending it on the cost of incarceration.

No one gets any help, no one gets any training, no one gets any psychological therapy. So when they finish their sentences, they just walk out the door, and here you have a person who’s been in prison for years, has no marketable skills, probably has no education, has no family support structure, and you just turn him out on the street, and tell him good luck? Well of course he’s going to re-offend, because prison is the only thing he knows. At least in prison he’s being fed three times a day, he gets to watch TV when he wants to, he can play cards with his friends

or watch movies and hang out, or go to the weight pile and work out, or go on the yard and jog. Why would he give that up to live on the street? It doesn't make any sense.

KK: In a few interviews you speculated that CIA torture isn't so much to extract actionable intelligence as it is that people were angry after 9/11, and there was a kind of vengeance, or almost bloodlust. Would you say that might also be behind our penal system?

JK: Yes. Yeah. You get that in spades from the guards. You've heard of the famous Stanford [prison study]? That experiment has taught us so much about human behavior. He really was onto something. You see it every single day in prison.

KK: Given how much of a failure the incarceration system is – indeed, it's had the opposite effect from preventing future crime – how similar would you say the motives are to those of drone strikes? Because neither work.

JK: Neither work. And we've proven that neither work. But both give you a feeling of power and control. And I think that's what it's really about – control. Or at least the illusion of control. You see that every single day in prison.

Look what drone strikes have done: while we probably do take out a terrorist leader every once in a while, the collateral damage, in my view, is unacceptable. So many innocent people have been killed, including American citizens. I just don't see how it's legal.

KK: As an Afghanistan and Iraq expert, what do you think of the US strategy with respect to ISIS? I don't understand it – the airstrikes aren't working. It's just like prison, it's just like the drone strikes: the airstrikes are increasing ISIS' recruitment.

Is it the same thing you said before, is it about power and control and showing them who's boss?

JK: Yeah, I think that's it. I think that we've got policymakers who insist on being the big dogs on the block. There are so many about whom the press has said, "They haven't seen a war they didn't love." I find that to be true.

I've dealt personally, one-on-one, with al-Qaeda fighters. In the time that I was chief of counterterrorism operations in Pakistan, I oversaw the capture of 52 al-Qaeda fighters. One thing that really shocked me when dealing with these people [was], with the exception of about four of them, most were just like 19- or 20-year-old kids. They were illiterate. They had no job skills. They were from these isolated villages in their home countries. Many, for whatever reason, didn't get along with their fathers. Everyone told a similar story: They didn't know what to do. No girl would marry them. So the local Imam said, "Here's a plane ticket, fly to Dubai and you'll be met by an Imam there."

So they fly to Dubai, an Imam meets them, gives them a ticket to Pakistan and \$500 and says, "Well, you don't have anything else to do, so you should go make jihad against the Americans."

So they follow this familiar [path] into Afghanistan, they were trained in the camps there, they made jihad against the Americans, September 11 happened and they ran for their lives, and we caught them (in Pakistan).

These guys did not even know the proper prayers at prayer time. They had never read the Quran because they couldn't read. They were in Afghanistan and Pakistan just because they had nothing better to do, and it was a way to make a little money, and in the event that they were killed, their parents would be given \$500. So these were not hardened terrorists, these were just confused young men.

I always maintained that if they had had educations, or access to [one], and if their country were able to implement development projects with international funds, we wouldn't have much of this terrorist problem.

Now ISIS is a little different. ISIS was created solely out of a hatred for the United States. ISIS was created in American military prisons in Iraq – we know that for a fact.

KK: Back to prisons.

JK: Back to prisons again. Exactly. Exactly. In fact, the leader of ISIS famously told a military guard, as he was being released from prison outside of Baghdad, “See ya in New York!” And he meant it.

So with ISIS, I think we should be doing this in an entirely different way. First of all, I don't think this is our fight. I don't think we should be bombing anybody, and I absolutely think we have no business putting boots on the ground.

We should be encouraging and supporting the militaries of our friends in the region – the Egyptians, the Jordanians, the Saudis, the Kuwaitis, the Turks – and we should be encouraging them to send their troops. After all, it's their countries that are under threat. Why is this our problem? Why is this our undertaking, that we have to send Americans to die in Iraq and Syria? For what?

First of all, it's a bankrupt ideology – ISIS. It's an untenable ideology: You can't advocate the large-scale murder of your own people. It's not tenable. We've seen that through history – it collapses on itself. I think that this is a problem for the Arabs to sort out, with our help, and maybe the help of the Turks, but not our problem.

KK: Why do you think the U.S. government has not been able to compel the Iraqi government to be more inclusive for Sunnis? I think that's a big part of the reason people are even joining [ISIS] to begin with.

JK: Our original problem with Iraq started with the Bush administration – when Ambassador Bremer was the occupation governor of Iraq, for lack of a better term, one of the very first things he did was he banned anybody who had been a member of the ruling Ba'ath party from participating in government or the military. The truth of the matter is, under Saddam

Hussein, the only way to get ahead, the only way to maintain a job by which you could feed your family, was to be a member of the Ba'ath party. That was it.

It was almost like the Nazi party. After World War II, we talked about banning all Nazis. We decided not to. We decided to ban people who were in senior positions in the Nazi party, and Germany was rebuilt. In Iraq, we banned anybody who had ever been a member of the Ba'ath party. So we completely decimated the military.

That threw off the balance of power with Iran, and we made Iran the regional hegemon. The Iranians and the Iraqis under Saddam sort of kept each other in balance, because there was always a threat of an attack. That actually resulted in peace in the region. It was an uneasy peace, but it was peace.

Now we've essentially banned most Sunnis from working in the military, and we've banned most Sunnis from working in government. So how are they going to feed their families? They can't. What's the alternative? To take up arms. To take up arms against the occupying power, which was us. And that's how ISIS was created.

KK: It seems a lot cheaper and easier than trying to mobilize an international force to just give the Sunnis some kind of political settlement. I mean, we're sending all this aid to the Iraqi government – can't we just say, we're going to suspend this aid pending your inclusion of the Sunnis?

JK: No, that actually would be very effective. But I don't think the administration has the guts to do it. I think that they would be afraid that it would further upset the balance of power. One thing that several scholars have raised ... was to divide Iraq into several different countries: a Shi'ite majority country, a Sunni majority country, and an independent Kurdistan in the north.

The Kurds are the best friends we have going in Iraq. They're stable, they're sophisticated, they're brave, and they control most of the country's oil. The Kurds would be perfectly happy to run their own country, and they would be loyal friends of the United States.

The Sunnis don't necessarily like this idea because the area that's talked about that would become a Sunni homeland doesn't have any oil. It does have an outlet to the Arabian gulf. But it doesn't have any oil.

Conservatives in the United States are worried that a Shi'ite majority country would just ally itself with Iran and pose a threat to Kuwait.

KK: When you say the Obama administration lacks the guts to compel the government that we're arming and propping up in Iraq, could you talk about what you mean? It would seem to take more guts to bomb the place!

JK: You would think! Diplomacy is a very hard thing. I remember senior diplomats at the State Department with whom I used to work commenting a decade ago that they had never seen an administration that worked harder to not use diplomacy to tackle international problems.

Condoleezza Rice was almost like a paper secretary of state. We were much more engaged in bombing countries that we didn't like than we were in trying to talk to them across a negotiating table.

KK: How has the Obama administration compared with that?

JK: They've been better, and we see that especially with Cuba, most recently. But at the same time, the Obama administration has been unwilling to use American power to compel diplomatic settlements. You make a very good point that we should've compelled the Maliki government a decade ago to disarm the militias and make peace with the Sunnis. We never did. I don't know why we didn't, but we never did. It seems now, with the advent of ISIS, that that time has passed.

KK: Given the timeline you laid out, would you say that it was the US invasion of Iraq that, in a sense, created ISIS?

JK: I think there was a cause and effect, and it was just very bad planning. We turned our back on the Sunnis, and that was really the start of it.

I know that ISIS recruited very heavily in its early days from al-Qaeda in Iraq, and once we killed Zarkawi, a lot of the people who had been in al-Qaeda in Iraq needed a place to go because the group began breaking up. They all happened to be in American military prisons at the same time, and ISIS was formed.

KK: How similar would you say are the reasons that people join terror groups and the reasons that people go to jail – i.e., lack of opportunity?

JK: That's a very insightful question, and you're absolutely right. It's a societal issue, and it's a societal ill. We attack drugs with the so-called "war on drugs" by going after producers and then locking up consumers. That doesn't address any of the larger societal problems, particularly the problem of education and getting people in inner cities and poor areas – even rural poor areas – educations. It's a very dangerous road to go down if you have no education and no job skills and access to cheap drugs. Nothing good comes out of it. And you end up not just going to prison, but potentially starting this multi-generational curse of prison.

There were a couple guys who I served with – in fact, all on drug charges – who were incarcerated with their dads. Their dads were in also on drug charges.