

THE TERRORISM INTELLIGENCE AND THE BRIEFING SCHEDULE

I suggested yesterday that one of the explanations for the CIA's unreliable record of briefings on torture and terrorism in 2002 and 2003 might reflect an attempt to hide certain information.

Did CIA not reveal they were torturing detainees to dodge any question about the accuracy of claims about Iraq intelligence?

While we don't know the full schedule of briefings on Iraq intelligence, the schedule of intelligence documents pertaining to Iraqi ties to terrorism suggests that might be possible. Significantly, according to Bob Graham and Nancy Pelosi, they were not briefed that Abu Zubaydah had been tortured before the NIE appeared integrating his August 2002 interrogation reports. And Jane Harman was not informed he had been tortured until after the last major report on Iraqi links to terrorism came out in January 2003.

Here are the intelligence documents mentioned in the SSCI Report on Iraq, interspersed with the torture briefings.

September 21, 2001: Document written by Cofer Black (then Director of CounterTerrorism) and Near East and South Asia Directorate. Distributed only to President's Daily Brief principals, and not revealed to Congress until June 2004. The document is described as "taking a 'Q&A' approach to the issue of Iraq's possible links" to 9/11.

October 2001: NESA document discussing Iraq's overall ties to terrorism. CIA refused to share the document with SSCI,

explaining its dissemination was limited to PDB readers.

December 18, 2001: Ibn Sheikh al-Libi captured.

February 22, 2002: First report doubting al-Libi's claims of ties between Iraq and al Qaeda.

March 28, 2002: Abu Zubaydah captured.

**June 21, 2002, Iraq and al-Qaida:
Interpreting a Murky Relationship:**

Ostensibly a joint project between CTC and NESA, the report was a subject of a CIA Ombud investigation into a complaint from a NESA analyst alleging that the document did not adequately reflect the views of NESA. The document was intentionally expansive, as described by Jamie Miscik: "If you were going to stretch to the maximum the evidence you had, what could you come up with?"

July 26, 2002: OLC orally authorized waterboarding.

July 31, 2002: Second report doubting al-Libi's claims of ties between Iraq and al Qaeda.

Summer 2002, Dougie Feith's Propaganda:

This led to a series of briefings in August 2002 apparently designed to reinsert previously discredited claims into the CIA stream of intelligence. In particular, George Tenet agreed to hold up the production of Iraqi Support for Terrorism until CIA could attend a meeting with Feith's people; the meeting took place on August 20, 2002. Feith's briefers also gave a presentation to Scooter Libby and John Hannah on September 16, 2002, in which they openly criticized CIA reporting on this topic.

September 4, 2002: Pelosi and Goss briefed on torture. Apparently not told

that waterboarding had already been used with Abu Zubaydah.

September 19, 2002, Iraqi Support for

Terrorism: This document appears to be the source of much of the content of the Iraq NIE pertaining to Iraqi ties to Al Qaeda specifically and terrorism in general, but Congress did not receive the document itself until October 2003. Much of the intelligence relies on foreign intelligence service sources and much of it focuses on Iraqi ties to Palestinian terrorist groups (which suggests it's likely that Israeli and Jordanian intelligence were critical to the document).

September 27, 2002: Graham and Shelby briefed on interrogations. Graham maintains they were not briefed on torture.

October 1, 2002: Iraq NIE.

January 2003, Iraqi Support for

Terrorism: This document was the "final major terrorism analysis produced prior" to the start of the Iraq War. While the document was significantly the same as the September 19, 2002 document (which had not been provided to Congress), it omitted discussion of key sources, including one that appears to be an Iraqi National Congress [Chalabi] source and others that describe what foreign service had provided much of the intelligence. It also integrated intelligence from al Qaeda detainees collected "between September 2002 and January 2003." With regard to Iraqi ties to al Qaeda, the document says "our knowledge of Iraq's ties to terrorism is evolving [redacted], suggesting some influence from al Qaeda detainee interrogations. It admits to the inconsistency of the reports coming from "al-Qaida detainee debriefings,"

stating, "The limited reporting available to analysts on al-Qaida's attitude toward cooperating with the Iraqi regime was contradictory." The report appears to incorporate four interrogation reports from Abu Zubaydah (which say there wasn't much of relationship between Iraq and al-Qaeda though did say Zarqawi and others had good relationships with Iraq), and al-Libi (which in the Iraq report is redacted, but we know would say involved a training relationship in Iraq). [For more on the al Qaeda intell that shows in this report see HuffPo and TPM.]

February 4, 2003: Pat Roberts briefed on torture, including on Abu Zubaydah's and al-Nashiri's waterboarding.

February 5, 2003: Porter Goss and Jane Harman briefed on torture, including on Abu Zubaydah's and al-Nashiri's waterboarding.

February 5, 2003: Colin Powell's address to the UN, integrates already-discredited intelligence from Ibn Sheikh al-Libi on alleged ties between Iraq and al Qaeda.

March 1, 2003: Capture of KSM. In response to SSCI questions asked about KSM, CIA admitted KSM "maintained that he was unaware of any collaborative relationship between al-Qaida and the former Iraqi regime, citing ideological disagreements as an impediment to closer ties. In addition, he was unable to corroborate reports that al-Qaida associate Abu Mus'ab al-Zarqawi had traveled to Iraq to obtain medical treatment."

March 19, 2003: Start of Iraq War.

This timeline shows several things.

First, there were two pieces of intelligence used to get us into war that were collected using torture: al-Libi's claims of training ties between Iraq and al Qaeda, and Abu Zubaydah's claims of close relations between Zarqawi (and others) and Iraq. Further, given that "the questions regarding al-Qaida's ties to the Iraqi regime were among the first presented to senior al-Qaida operational planner Khalid Shaikh Muhammad following his capture, there is a possibility KSM had told interrogators he knew of no ties between Iraq and al Qaeda before the invasion. But that was not communicated to Congress. (Note: Dick Cheney tried to make expansive claims of such ties on March 16, but was prevented, so it's possible he learned of KSM's intelligence before the war started.) Curiously, the Iraq report makes no mention of intelligence from Ramzi bin al-Shibh, who had been captured in September 2002 (though neither does the 9/11 Report in its treatment of potential ties). In other words, of the potentially known intelligence prior to the war, two pieces got communicated to Congress, that from al-Libi and that from Zubaydah, whereas any refutation (if it had been collected from KSM yet) was not communicated to Congress.

Al-Libi's claims of an Iraq-al Qaeda tie was definitely coerced using torture. Given the timing, Zubaydah's claim may have come from his August waterboarding or it may have come later, when treatment of him grew less harsh.

Also note: the SSCI Iraq Report, at least, overstates Zubaydah's role—calling him a "senior coordinator"—and underplays KSM's role—claiming he had a "limited role in the administration of al-Qaida" (the descriptions of al-Libi are completely redacted). While that's the SSCI Report, and not the underlying intelligence, it may suggest the intelligence community overstated the reliability of Abu Zubaydah by continuing to overstate his role in Al Qaeda long after they discovered their understanding of his seniority was incorrect.

Now, one thing we've heard nothing about is whether—and when—Congress got briefed on intelligence from Ibn Sheikh al-Libi's capture and torture, though it would have been part of CIA's role in capturing and interrogating al Qaeda pursuant to the September 17, 2001 Memorandum of Notification, and as part of what was then a covert op, should have been briefed to Congress. But Pelosi and Graham insist they were not briefed on the torture of Abu Zubaydah in fall 2002, at a time when they were both trying to challenge the intelligence in the Iraq NIE. If Pelosi's and Graham's accounts are correct, then (and assuming no one got briefed on al-Libi's torture before the war), it means the only chance a Democrat had to question whether torture contributed to inaccurate intelligence used to make the case for war was Jane Harman's briefing on February 5, 2003. And that briefing happened virtually simultaneously with Colin Powell's speech at the UN, which did rely heavily on al-Libi's claims.

Nancy Pelosi and Bob Graham are pointing to a connection between the bad Iraq intelligence and the inaccurate claims about the torture briefings. One thing appears to be true: given the schedule of briefings—particularly CIA's failure to reveal they were already using torture in those September 2002 briefings—it limited the opportunities for Democrats to question whether the Bush Administration was using torture-induced intelligence to make their case for the Iraq War.