

CARL LEVIN TO CHENEY: YOU'VE GOT NOTHING

Carl Levin better watch out for Liz "BabyDick" Cheney and her cries of "libel!" Because he just called her Daddy a liar, using words like "false statements" and "colossal misrepresentation."

Now, Levin is actually the second person who has seen those documents who says they don't say what PapaDick says they do. A couple of weeks ago, Russ Feingold accused PapaDick of lying using somewhat more gentle language.

Nothing I have seen – including the two documents to which former Vice President Cheney has repeatedly referred – indicates that the torture techniques authorized by the last administration were necessary, or that they were the best way to get information out of detainees. The former vice president is misleading the American people when he says otherwise.

But I'm specifically interested in Levin's statements for the very specific way he rebuts PapaDick's claims (note, I've got nothing on my senior Senator in my appreciation for weeds).

But those classified documents say nothing about numbers of lives saved, nor do the documents connect acquisition of valuable intelligence to the use of abusive techniques.

I'm interested in those specific details for the way they flesh out the details from the May 30, 2005 Bradbury memo which appears to have details from two documents related to those Cheney is seeking. As I suggested in April, it appears Cheney may be seeking one of the documents, and a version of another, that Bradbury used to rebut the CIA IG report's conclusion that the torture was not all that useful.

Here's what the three documents cited by Bradbury for his "efficacy" argument say. I've left off all reference to the IG Report; my discussion of Bradbury's use of that is in this post and this post. And I've noted which claims—really, the most critical ones—he offers no citation for. I bring it back to Levin below.

CIA Directorate of Intelligence, *Khalid Shaykh Muhammed: Preeminent Source on Al-Qa'ida* (July 13, 2004) ["Preeminent Source"]

After the September 11 attacks, KSM assumed "the role of operations chief for al-Qa'ida around the world."
[citation omitted] KSM also planned additional attacks within the United States both before and after September 11.

[snip]

And, indeed, we understand that since the use of enhanced techniques, "KSM and Abu Zubaydah have been pivotal sources because of their ability and willingness to provide their analysis and speculation about the capabilities, methodologies, and mindsets of terrorists."

Memorandum for Steven G. Bradbury, Principal Deputy Assistant Attorney General, Office of Legal Counsel, from [redacted], DCI Counterterrorist Center, *Re: Effectiveness of the CIA Counterintelligence Interrogation Techniques* (March 2, 2005) ["Effectiveness Memo"]

Your office has informed us that the CIA believes that "the intelligence acquired from these interrogations has been a key reason why al-Qa'ida has failed to launch a spectacular attack in the West since 11 September 2001." [citation omitted] [snip]

Both KSM and Zubayadh had "expressed

their belief that the general US population was 'weak,' lacked resilience, and would be unable to 'do what was necessary' to prevent the terrorists from succeeding in their goals." Id. at 1. Indeed, before the CIA used enhanced techniques in interrogations of KSM, KSM resisted giving any answers to questions about future attacks, simply noting, "Soon, you will know."

[snip]

As Zubaydah himself explained with respect to enhanced techniques, "brothers who are captured and interrogated are permitted by Allah to provide information when they believe they have 'reached the limit of their ability to withhold it' in the face of psychological and physical hardships."

[snip]

You have informed us that the interrogation of KSM—once enhanced techniques were employed—led to the discovery of a KSM plot, the "Second Wave," "to use East Asian operatives to crash a hijacked airliner into" a building in Los Angeles. Effectiveness Memo at 3. You have informed us that information obtained from KSM also led to the capture of Riduan bin Isomuddin, better known as Hambali, and the discovery of the Guraba Cell, a 17-member Jemaah Islamiyah cell tasked with executing the "Second Wave."

[snip]

You have informed us that Zubaydah also "provided significant information on two operatives, [including] Jose Padilla[,] who planned to build a 'dirty bomb' in the Washington DC area."

Fax from [redacted], DCI Counterterrorist Center, *Briefing Notes on the Value of Detainee Reporting* (April 15, 2005) ["Briefing Notes"]

More specifically, we understand that KSM admitted that he had tasked Majid Khan with delivering a large sum of money to an al Qaeda associate. [citation omitted] Khan subsequently identified the associate (Zubair), who was then captured. Zubair, in turn, provided information that led to the arrest of Hambali. See id. The information acquired from these captures allowed CIA interrogators to pose more specific questions to KSM, which led the CIA to Hambali's brother, al-Hadi. Using information from multiple sources, al-Hadi was captured, and he subsequently identified the Guraba cell.

[snip]

Interrogations of Zubaydah—again, once enhanced interrogations were employed—furnished detailed information regarding al Qaeda's "organizational structure, key operatives, and modus operandi" and identified KSM as the mastermind of the September 11 attacks.

[snip]

More generally, the CIA has informed us that, since March 2002, the intelligence derived from CIA detainees has resulted in more than 6,000 intelligence reports and, in 2004, accounted for approximately half of CTC's reporting on al Qaeda. See Briefing Notes at 1; see also IG Report at 86 (noting that from September 11, 2001, through April 2003, the CIA "produced over 3,000 intelligence reports from" a few high value detainees).

No citation given

In particular, the CIA believes that it would have been unable to obtain critical information from numerous detainees, including KSM and Abu Zubaydah, without these enhanced techniques.

[snip]

You have informed us that the CIA believes that enhanced interrogation techniques remain essential to obtaining vital intelligence necessary to detect and disrupt such emerging threats.

[snip]

You have informed us that the substantial majority of [the 3000 and 6000 reports] has come from detainees subjected to enhanced interrogation techniques. In addition, the CIA advises us that the program has been virtually indispensable to the task of deriving actionable intelligence from other forms of collection [several lines redacted]

So note a couple of things. First, as I noted, Bradbury does not provide a citation for his most expansive claims—that the CIA would be unable to obtain this information otherwise, that torture remains essential to collecting this information, and that the large numbers of the reports came "from detainees subjected to enhanced interrogation techniques" (though not, notably, as a result of those techniques). Instead, we learn (from the July 13, 2004 document) that KSM and AZ provided information generally on al Qaeda. And we learn (from the two 2005 documents) that KSM revealed details about the Library Tower plot.

The Library Tower, of course, is one of the last remaining legs they're trying to stand on. But as has been repeatedly documented, there is no way PapaDick can credibly claim that torturing KSM prevented the Library Tower plot.

What clinches the falsity of [the Library Tower claims], however (and that of the memo he cites, and that of an unnamed Central Intelligence Agency spokesman who today **seconded** Thessen's argument), is chronology. In a White House press **briefing**, Bush's counterterrorism chief, Frances Fragos Townsend, told reporters that the cell leader was arrested in February 2002, and "at that point, the other members of the cell" (later arrested) "*believed that the West Coast plot has been canceled, was not going forward*" [italics mine]. A subsequent **fact sheet** released by the Bush White House states, "In 2002, we *broke up* [italics mine] a plot by KSM to hijack an airplane and fly it into the tallest building on the West Coast." These two statements make clear that however far the plot to attack the Library Tower ever got—an unnamed senior FBI official would later tell the *Los Angeles Times* that Bush's characterization of it as a "disrupted plot" was "ludicrous"—that plot was foiled *in 2002*. But Sheikh Mohammed wasn't captured until *March 2003*.

And other than these details (and fluff from Abu Zubaydah), all Bradbury cites to build the case—which is critical to this memo—that this stuff saved lives is a bunch of enigmatic statements from AZ and KSM (they have both since said torture led to false confessions).

One more note of some interest. It appears that Bradbury had at least the first two of the three May 2005 memos drafted by April 8, 2002 (see Document 1). While Bradbury didn't end up using the efficacy arguments for the two May 10 memos, it suggests that one of the hold ups on the May 30 memo may have been making a case on efficacy, not least to rebut the IG Report's conclusion that torture wasn't all that useful. Which, in turn, suggests that those Briefing Notes,

written after those drafts and the most detailed argument that torture disrupted the Liberty Tower plot, might be an attempt to persuade Bradbury. I'm guessing the document Cheney wants combines those notes with the Effectiveness memo.

In any case, Levin claims that "those documents say nothing about numbers of lives saved, nor do the documents connect acquisition of valuable intelligence to the use of abusive techniques." And that appears to be the case. While, with Briefing Notes, Bradbury has the logic of a step-by-step disruption of the Library Tower plot the Bush Administration had busted a year earlier. But that's as close as they come to making this argument.