LIKE SSCI, HPSCI REQUIRES DNI TO CLOSE GAPING SECURITY HOLES … BY 2013

Steven Aftergood has the House intelligence report online and—as he points out—it contains a requirement that the intelligence community close one of the gaping holes in network security highlighted by the WikiLeaks case. The deadline? 2013.

> SEC. 402. INSIDER THREAT DETECTION PROGRAM.
>
> (a) Initial Operating Capability.—Not later than October 1, 2012, the Director of National Intelligence shall establish an initial operating capability for an effective automated insider threat detection program for the information resources in each element of the intelligence community in order to detect unauthorized access to, or use or transmission of, classified intelligence.
>
> (b) Full Operating Capability.—Not later than October 1, 2013, the Director of National Intelligence shall ensure the program described in subsection (a) has reached full operating capability.
>
> (c) Report.—Not later than December 1, 2011, the Director of National Intelligence shall submit to the congressional intelligence committees a report on the resources required to implement the insider threat detection program referred to in subsection (a) and any other issues related to such implementation the Director considers appropriate to include in the report.
>
> (d) Information Resources Defined.—In

> this section, the term “information resources” means networks, systems, workstations, servers, routers, applications, databases, websites, online collaboration environments, and any other information resources in an element of the intelligence community designated by the Director of National Intelligence.

This is precisely what the Senate Intelligence Committee is also mandating. As I pointed out earlier, this seems to simply take DOD’s own lackadaisical deadline and make it a requirement.

> In other words, if closing this security gap a year and a half after the leaks are alleged to have occurred is too tough, then they can go ahead and take another year or so to close the barn door.
>
> Though to be fair, this deadline may come directly from the lackadaisical DOD, as the deadlines given here seem to match those DOD aspires to hit.
>
> Now, maybe it’s considered unpatriotic to note that our intelligence community—and its congressional overseers—are tolerating pretty shoddy levels of security all while insisting that they takes leaks seriously.
>
> But seriously: if our government is going to claim that leaks are as urgent as it does, if it’s going to continue to pretend that secrets are, you know, really secret, then it really ought to at least pretend to show urgency on responding to the gaping technical issues that will not only protect against leakers, but also provide better cybersecurity and protect against spies. Aspiring to fix those issues years after the fact really doesn’t cut it.

Ah well! Bin Laden is dead. Who else might want our secrets?

BRADLEY MANNING PROTEST: WHITE HOUSE BANS JOURNALIST FOR DOING JOURNALISM

To a degree, this reminds me of the Joshua Claus moment, when DOD banned reporters like Carol Rosenberg and Michelle Shephard because they uttered the name "Joshua Claus" in their coverage of his testimony in Omar Khadr's trial. (Shephard had interviewed him previously, so they were basically asking her to forget information she had gathered independently to be able to cover Gitmo.)

> White House officials have banished one of the best political reporters in the country from the approved pool of journalists covering presidential visits to the Bay Area for using now-standard multimedia tools to gather the news.
>
> The Chronicle's Carla Marinucci — who, like many contemporary reporters, has a phone with video capabilities on her at all times — pulled out a small video camera last week and shot some protesters interrupting an Obama fundraiser at the St. Regis Hotel.
>
> She was part of a "print pool" — a limited number of journalists at an event who represent their bigger hoard colleagues — which White House press officials still refer to quaintly as "pen and pad" reporting.

As with coverage of Omar Khadr's trial, the Obama Administration seems to be demanding that journalists abdicate their jobs and their instincts to play by the rules.

But the event reminds me of something else: how the White House asked (and persuaded) all the big US outlets to suppress the widely discussed news that Raymond Davis was a spy, even while publications overseas and dirty fucking hippie bloggers were reporting on it.

As the account of Marinucci's treatment makes clear, the rules they want to enforce on pool reporting basically put her at a disadvantage to everyone else in the room who had and used a cell phone video.

> Carla cannot do her job to the best of her ability if she can't use all the tools available to her as a journalist. The public still sees the videos posted by protesters and other St. Regis attendees, because the technology is ubiquitous. But the Obama Administration apparently wants to give the distinct advantage to citizen witnesses at the expense of professionals.

While there's a bit of professional snobbery here, it is entirely justified. The White House bizarrely imagines it can manage Obama's image by imposing rules on journalists it can't impose on others. Not only does that not do a damn thing to prevent videos like this from getting out. It profoundly corrupts the role of journalists, imposing requirements that ensure they offer only a highly scripted and obviously false view of an event.

It's simply not fair to require that journalists not tell stories that are already out there in the public sphere. That turns them, once and for all, into stenographers. That's not what our country needs from presidential press coverage.

SAIFULLAH PARACHA'S GITMO FILE CONTAINS SUSPECT DETAILS, BUT HIS DEFENSE ATTORNEY CAN'T POINT THEM OUT

I'm going to be in transit for another half day yet, but I wanted to comment on this motion David Remes, Gitmo detainee Saifullah Paracha's attorney, filed to request emergency access to the Detainee Assessment Brief on his client released by WikiLeaks on Monday. (h/t Benjamin Wittes) Remes describes the implications of the protection order he works under, noting specifically the warning DOJ sent out the other day.

> For example, because the government considers the documents classified, and counsel holds a "secret" security clearance, he is concerned that if he views the documents online, the government might revoke his clearance. Losing his clearance will disable him from continuing to represent his current or future detainee clients and jeopardize his ability to obtain further clearances. Counsel is concerned that the government may even prosecute him. To avoid any potential sanctions, undersigned counsel errs on the side of extreme caution and refrains from viewing the documents.
>
> The only place undersigned counsel can view these documents and fear no potential sanctions is at a Secure Facility the Justice Department has provided in the Washington area for counsel with "secret" level clearances.

> To the best of counsel's knowledge, the Secure Facility contains no secure computer onto which the Wikileaks documents can be downloaded. Moreover, counsel is confident that the Justice Department will not ferry the documents to the Secure Facility for viewing and use by counsel. Even if the leaked documents were made available for viewing and use by counsel at the Secure Facility, counsel located far from the Facility — some thousands of miles away — would have to journey to the Facility to view and use them. [my emphasis]

That is, Remes could view the documents in just one place without risking losing his clearance and his ability to defend his client, or even criminal sanctions—a DOJ Secure Facility. Yet DOJ is not going to make the documents accessible there. So he's SOL; he can't see them.

Remes goes on to describe how this prevents him from defending his client publicly, specifically because he can't comment for a big article the NYT did which (IMO) offered a credulous reading of Paracha's file. While that article contains a quote from ACLU National Security Project Director Hina Shamsi noting that the information in the files is uncorroborated, and while NYT admits much of the evidence derives from KSM whom they note was waterboarded, rather than point out obvious suspect details in Paracha's file, it simply repeats those details uncritically.

Here's just one reason why Remes needs to have access to the file to adequately represent his client and refute credulous readings of Paracha's file:

> (S//NF) The plan called for shipping explosives in containers that detainee used to ship women's and children's clothing to the US. Detainee agreed to this plan. KU-10024 [Khalid Sheikh

> Mohammed] claimed in early March 2003, PK-10020 and PK-10018 [Ammar al-Baluchi, KSM's nephew] were arranging the details with detainee and his son Uzair. KU-10024 stated detainee knew all the details of the plan. Uzair understood PK-10018 and PK-10020 were al-Qaida, but KU-10024 was unsure how much Uzair [Paracha's son] knew about the actual smuggling plan.8 [my emphasis]

There are, in general, just two kinds of evidence offered by KSM in March 2003: evidence the CIA itself claims was disinformation offered by KSM in his early days of captivity while he was still successfully resisting interrogation, and evidence offered up under torture, potentially one of the 183 waterboarding sessions KSM survived in March 2003.

It's unclear which category this piece of intelligence falls into, but the use of the verb "claimed" suggests there's something about the intelligence that may have led even the briefer on Paracha's file to doubt it.

The intelligence report cited for this detail (and therefore collected in March 2003), TD-314/16519-03, is cited three more times in Paracha's file, only one of which is corroborated by reports dated 2004 and 2005.

In other words, one of the claims against Paracha can be traced back to a March 2003 interrogation of KSM that no one should consider credible. The entire case against Paracha builds off this early interrogation.

There are a number of other reasons to doubt the "facts" laid out in Paracha's file. Notably, references to Aafia Siddiqui make no mention of her earlier reported detention by the US in Afghanistan, and instead claims "Siddiqui was detained in Afghanistan in mid-July 2008," thereby hiding a key detail as to the credibility of any intelligence Siddiqui may have offered (or, just as likely, making no

mention of intelligence Siddiqui refuted during years of interrogation in US custody in Afghanistan).

Parts of Paracha's file reveal real weaknesses in the government's case against him. These are all very basic details Remes needs to point out, particularly if NYT reporters aren't going to read the file critically themselves. But given the way the protection order works, he can't do that.

THE COVER STORY THAT SERVES AS A COVER STORY

Check out this sentence, which appears at the end of the Executive Summary of a document purporting to debunk the "cover stories" of detainees who claimed to have traveled to Afghanistan to teach the Koran.

> Mujahideen that traveled to Afghanistan following the attacks of 11 September 2001 did so with the knowledge that Usama Bin Laden and Al-Qaida were the likely perpetrators of the attack.

Note the assumptions. First, that the detainees picked up in Afghanistan were, by definition, mujahadeen. The document doesn't define the term. It does contextualize the term "mujahadeen" within the fight against the Russians, then calls recent "recruits" mujahadeen uncritically. And nowhere in the document does it explain how to assess a detainee's claim that he was not an active fighter, a trainee at an al Qaeda camp, or even a trainee more generally.

Nowhere does the document address evidentiary

problems assessing when a detainee left for Afghanistan and/or arrived there and whether the departure preceded 9/11 (though this is one of the least problematic parts of this statement).

As to the claim that detainees that traveled to Afghanistan after 9/11 did so "with the knowledge that Usama Bin Laden and Al-Qaida were the likely perpetrators of the attack"? Here's the shoddy proof the document offers for the claim that these detainees assumed to be trained fighters knew of 9/11 and Osama bin Laden's role in it.

> There was already speculation on 11 September 2001 as to the origins of the perpetrators of the attacks, and the US Government publicly named Usama bin Laden and Al-Qaida no later than 12 September 2001. Even before this announcement, there were communications between extremists in Afghanistan and elsewhere identifying UBL as the sponsor of the attacks. Prior to the attacks, the recruits would have no way of knowing they would soon be engaged in a battle with a US-led coalition because of the deaths of thousands of innocent people. This does not decrease the recruits [sic] involvement with terrorist groups including Al-Qaida, however, as their travel to Afghanistan and their room and board in the months following their arrival were paid for by the Al-Qaida, the Taliban, and or other supporting extremist groups [sic] fund raising activities and the recruit elected to remain in Afghanistan. Some detainees state they attempted to leave but could not, this too is part of their cover story to show they were not in Afghanistan of their own free will. After 11 September 2001, the new recruits could no longer claim ignorance to the actions of Al-Qaida and the likelihood of hostilities resulting from the US desire to bring those responsible

> to justice. Therefore, especially following the attacks, Muahideen traveling to Afghanistan did so with the distinct desire to defend UBL and his organization.

Now, there are a lot of basic problems with the claim about speculation that al Qaeda executed the attacks just after 9/11, not least that key players within the Bush Administration were fighting the argument at the time that al Qaeda caused the attack. Ultimately, this amounts to an argument that because Richard Clarke was sure al Qaeda caused the attack, it meant the Americans generally were loudly backing that certainty rather than, for example, trying to turn this into a war against Iraq.

Then there's the problem that intelligence in US possession by the time this was issued in August 2004 made clear that even Osama bin Laden himself did not expect the US to retaliate as they did. If he was expecting the US to respond with limited missile strikes, than how they hell are purported recruits (ignoring the problem of proving they were recruits) supposed to expect the full response the US made?

Then there's the implicit problem—with the reference to Al-Qaida "and or other supporting extremist groups"—that many of these purported mujahadeen weren't even purportedly training with al Qaeda. Even if they knew al Qaeda carried out the attack, where is the proof that because the US would, at some point in the future, assert that those "supporting extremist groups" were affiliated with the attack, recent recruits of those "supporting" groups had to have known that the US would ultimately deem those groups as supporting as well?

But the really big problem here is the failure to even attempt to establish what the media/communications consumption of someone purporting to be teaching the Koran in rural Afghanistan would have, and whether it might credibly include awareness of what Richard

Clarke was arguing within the Situation Room of the White House in the days right after 9/11 (not least given the assertion that a number of these detainees had limited schooling). I mean, most Americans on September 12, 2001, watching footage of the attack over and over on CNN, probably didn't know that al Qaeda caused the attack; many still doubt it did. But we're insisting someone reading the Koran in Afghanistan would know?

It all feels very familiar. When confronted with refutations of their claims that Iraq had WMD before the war, the US repeatedly attributed those refutations—by people like Hans Blix and Mohammed el Baradei (not people who happened to leave for Afghanistan at an inauspicious time)—to Iraqi cover stories. Anything that didn't confirm their assumptions was, by definition, a cover story. Only even with all the intelligence claims on Iraq that have been released, we never got to see how shoddy the logic those arguing it was all a cover story really was.

Seeing the logic, though, I'm not sure which is more appalling and embarrassing: that many people treated this as valid analysis? Or that someone had either such bad logical skills or such a desire to generate propaganda that he'd consider this report a coherent argument?

TORTURED CONFESSIONS AND THE GITMO PROTECTION ORDERS

An unfortunate side effect of the NYT and NPR's attempt to preempt WikiLeaks' embargo on the Gitmo Files is that their coverage—rather than

the coverage of those who had been working on the files for several weeks—got the most attention. Notably, McClatchy's team of Tom Lasseter (who had done a series on Gitmo) and Carol Rosenberg (who knows more about it than anyone) had to scramble to get their first story out.

> McClatchy's [chief of correspondents Mark] Seibel said the WikiLeaks notified him at 5:30 p.m. EST that the embargo was lifted. So McClatchy — and the other news organizations working on the project — needed to scramble to finish their first stories as The Times and NPR put the finishing touches on theirs.
>
> Carol Rosenberg, a reporter for McClatchy's *Miami Herald* and one of the foremost authorities on Guantanamo Bay in the press corps, said she was caught off guard by the abrupt change of plans. "All I know is I spent nearly the last month digging through documents and was surprised tonight to learn that the embargo was about to be lifted on two hours notice," Rosenberg said in an email.

Which is why the topic of their second story is so important. It shows that 8 unreliable detainees, several of whom are known to have been tortured, provided a great deal of the intelligence justifying the continuing detention of Gitmo detainees.

> The allegations and observations of just eight detainees were used to help build cases against some 255 men at Guantanamo — roughly a third of all who passed through the prison. Yet the testimony of some of the eight was later questioned by Guantanamo analysts themselves, and the others were subjected to interrogation tactics that defense attorneys say amounted to torture and compromised the veracity of their

> information.

How different would the focus on the Gitmo Files be if the first story about it were about the unreliability of the intelligence in the Detainee Assessment Briefs, rather than how many people labeled "high risk" in those DABs went on to be transferred?

To see background on the people who incriminated many of the other Gitmo detainees, go read the whole article. Meanwhile, I just wanted to point out one point about the Gitmo protection order I described yesterday.

McClatchy notes that Mohammed al-Qahtani—whom Convening Authority Susan Crawford admitted was tortured at Gitmo—provided intelligence against 31 detainees.

> Muhammad al Qahtani, a Saudi man whose interrogations reportedly included 20-hour sessions and being led around by a leash, appeared as a source in at least 31 cases. A Guantanamo analyst note about Qahtani acknowledged that "starting in winter 2002/2003, (Qahtani) began retracting statements," though it argued that based on corroborating information "it is believed that (his) initial admissions were the truth."At the Center for Constitutional Rights in New York, the firm that has championed Qahtani's unlawful detention lawsuit, senior attorney Shane Kadidal said that "the information that was given in the first place (by Qahtani) was not reliable." As a condition of his security clearance, Kadidal said, he couldn't discuss the specifics of the WikiLeaks documents.

As they point out, Shane Kadidal and the Center for Constitutional Rights have handled his defense and presumably know a great deal about the intelligence tied to Qahtani. But because

DOJ (and surely, DOD) have warned them that speaking about the Gitmo Files leaked by WikiLeaks would be a violation of their protection order, they can't comment on them.

In effect, in the name of protecting secrets that are already in the public domain, DOJ has gagged the people best able to comment on these issues.

But then, that's the way our government uses secrecy to stifle informed discussions in this country.

ILLEGAL WIRETAP LEAK PROBE DROPPED

According to Josh Gerstein, DOJ decided not to charge anyone in the illegal wiretap leak probe.

> The Justice Department has dropped its long-running criminal investigation of a lawyer who publicly admitted leaking information about President George W. Bush's top-secret warrantless wiretapping program to The New York Times — disclosures that Bush vehemently denounced as a breach of national security.
>
> [snip]
>
> The Justice Department would not discuss the current status of the probe, which began in late 2005 after the Times story was published with a formal leak complaint from the National Security Agency. However, [Thomas] Tamm's attorney, Paul Kemp, told POLITICO he and his client were informed "seven or eight months ago" that the investigation into Tamm was over.
>
> The information was relayed during a

> meeting with the prosecutor handling the case, William Welch, Kemp said. The Justice Department recently issued Tamm a letter confirming that the probe had concluded, the defense attorney said.
>
> Prosecutors also appear to have lost interest in a former National Security Agency official who also publicly acknowledged being a source for the Times on the warrantless wiretapping story, Russell Tice. An attorney for Tice, Joshua Dratel, said it has been several years since prosecutors contacted him about the investigation.

Gerstein discusses the possibility that the investigation was dropped because it was found to be illegal.

> "What leaps out to me is the fact that the program was arguably illegal, so while that does not provide a legal defense or immunity to the leaker, from a practical jury-appeal standpoint, which a seasoned prosecutor should consider, how appealing is the case going to be if they're prosecuting government attorneys for disclosing the program but … the people who were doing the wiretapping don't get prosecuted?" asked [Peter] Zeidenberg, who was a prosecutor on the leak-related case against Bush White House aide Lewis Libby. "How would you like to be the prosecutor to get up there and make that argument?"

Note, Vaughn Walker's decision against the government in the al-Haramain case was just over a year ago, so it may be that his decision provided a big disincentive to the government to pursue the case.

Of course, that raises the possibility that the same might be true for Bradley Manning. Granted,

his case will not be judged by a jury of civilians; he will have a military jury. Still, as more and more documents he allegedly leak reveal our government's knowing cover-up that it was detaining innocent people and abetting Iraqi torture, it may make it a lot less palatable to argue against Manning.

DOJ WARNS GITMO DEFENSE ATTORNEYS NOT TO USE GITMO FILES

The defense attorneys representing detainees at Gitmo in habeas proceedings received this email today.

> Subject: Information in the public domain 2nd reminder
>
> All:
>
> As many of you have undoubtedly heard or read, government documents that may contain classified information have been released via the news media. As a reminder, information that is marked as classified, or that a person with access to classified information knows to be classified, remains as such despite a potential public disclosure by unauthorized means. Classified National Security Information only becomes declassified when the appropriate original classification authority makes their determination that the information may no longer cause damage to national security and may be declassified. Accordingly, consistent with your Classified Information Nondisclosure Agreements and Memorandum of

> Understanding that you signed as a participant in the Guantanamo Habeas proceedings, counsel are hereby cautioned that this presumptively classified information must be handled in accordance with all relevant security precautions and safeguards, including but not limited to, use and preparation in the Secure Facility and filing under seal with the Court Security Officer.
>
> Thank you.
>
> Court Security

In other words, in spite of the fact that the entire world now sees the flimsy evidence on which many Gitmo detainees are being held, Gitmo detainees' lawyers can't use that now very public information to defend their clients without going through the court security officer first. In fact, they can't even *talk* about this information, for example in public appearances to explain their client's plight, without asking the government for permission first.

And the warning is even more appalling given the protection order proposed for military commissions. As I noted last month, military commission defense attorneys have a couple of additional restrictions on top of all the ones habeas lawyers have; notably, they are not allowed to share classified information with their clients even if it reflects information that came from their client.

> Statements of the detainee that detainee's counsel acquires from classified documents cannot be shared with the detainee absent authorization from the appropriate government agency authorized to declassify the classified information.

So all these Detainee Assessment Briefs purportedly based on the detainees' own statements? The Gitmo lawyers can't ask their

clients whether they're an accurate representation of what the detainee actually said.

And then there's the timing. The government has presumably known that these files might be released since last May, if not December, when Mark Hosenball said they were imminent.

So when the government wrote the protection order preventing military commission lawyers from sharing with their clients or even talking about classified but widely public information, they knew this trove of useful information would soon be available.

So now the organization that will prosecute detainees is the same organization that can determine that its use in a military commission would "cause damage to national security" and on that basis prevent defense attorneys from using a key tool to defend their clients.

You know—because if detainees got due process it might "cause damage to national security."

Update: Second-to-last paragraph fixed to hopefully make a bit of sense.

THE US TRAINING MANUALS AL QAEDA USED

Back in April 2009, I wrote a post outlining how purported al Qaeda training manuals formed the basis of Bruce Jessen and James Mitchell's torture program.

> The SASC Report on Detainee Treatment reveals that some information collected from al Qaeda—and not DOD's attempts to find methods to interrogate detainees—is one key to discovering how we got in the

torture business. The SASC report reveals (as Valtin has been pointing out for some time) that DOD first contacted JPRA—the unit that oversees SERE—for "information about detainee 'exploitation'" on December 17, 2001. But there's another reference that suggests James Mitchell—one of the two retired SERE psychologists who reverse-engineered SERE and oversaw the first interrogations—was already on the job. In the section, "JPRA Collaboration with Other Government Agencies" (meaning, CIA), this reference appears:

> [classification redaction] In December 2001 or January 2002, a retired Air Force SERE psychologist, Dr. James Mitchell, [redaction that I bet talks about a CIA contract] asked his former colleague, the senior SERE psychologist at JPRA, Dr. John "Bruce" Jessen, to review documents describing al Qaeda resistance training. The two psychologists reviewed the materials, [half line redacted], and generated a paper on al Qaeda resistance capabilities and countermeasures to defeat that resistance.

Note, the "December 2001 or January 2002" date comes from an interview of Jessen, not directly from Mitchell. It's not clear anyone has asked when Mitchell got the al Qaeda documents—but by the time Jessen was interviewed on July 11, 2007, DOD had already sent out notice to preserve all documents relating to Mitchell, so he was already under legal scrutiny at the time Jessen gave these dates.

In a section describing a DIA training session Jessen and Joseph Witsch did,

> it's clear the al Qaeda documents form the basis for the training.
>
> > [classification redaction] Mr. Witsch stated that he worked with Dr. Jessen to develop a set of briefing slides for the [acronym redacted] training. The Department of Defense provided the Committee with slide presentations that appeared to have been produced by JPRA for the March 8, 2002 training. Mr. Witsch testified that the two slide presentations (1) [half line redacted—elsewhere this appears unredacted as Al Qaeda Resistance Contingency Training: Contingency Training for (redacted) Personnel] Based on Recently Obtained Al Qaeda Documents" and (2) "Exploitation" – appeared to be the same as those used by JPRA in the March 8, 2002 training. Dr. Jessen told the Committee that he did not recognize the slides as those that he presented [redacted] but that the vast majority of the slides were consistent with what he would have taught at the training session.
>
> While the discussion of the slides connected with the al Qaeda documents is heavily redacted, it appears that these slides already attached techniques or objectives to interrogating al Qaeda detainees.
>
> > [classification redacted] The "Al Qaeda Resistance Contingency Training" presentation described methods used by al Qaeda to resist interrogation and exploitation and [half line

> > redacted]. The presentation also described countermeasures to defeat al Qaeda resistance, including [~five lines redacted]. Mr. Witsch testified to the Committee that the countermeasures identified in the slides were "just an interpretation of what we were doing at the time and what we constantly did when we trained SERE students."
>
> So just to review. By "December 2001 or January 2002," Mitchell already had documents presumably captured from al Qaeda, and he and Jessen proceeded to use those documents to develop a training session on interrogation (one they offered to both DIA and CIA). And al Qaeda's resistance training—as much as SERE's program—drove what "countermeasures" Mitchell and Jessen were recommending to the CIA and DIA.

In the comments to that thread, we discussed reports—including from Lawrence Wright's *Looming Tower*—that al Qaeda member Ali Mohammed had taken training manuals from Fort Bragg.

> He managed to get stationed at the John F. Kennedy Special Warfare Center and School at Fort Bragg, North Carolina. Even though he was only a supply sergeant, Mohammed made a remarkable impression, gaining a special condemnation from his commanding offier "for exceptional performance" and winning fitness awards in competition against some of the most highly trained soldiers in the world. His awed superiors found him "beyond reproach" and "consistently accomplished."
>
> [snip]

> The American army was so respectful of his views that it asked him to help teach a class on Middle East politics and culture and to make a series of videotapes explaining Islam to his fellow soldiers. According to Mohammed's service records, he "prepared and executed over 40 country orientations for teams deploying to the Middle East." Meantime, he was slipping maps and training manuals off base to downsize and copy at Kinko's. He used these to write the multivolume terrorist training guide that became al-Qaeda's playbook. (205)

Which is just one reason this comment from Abu Faraj al-Libi's Gitmo Detainee Assessment Brief so interesting.

> (S//NF) Detainee said prior to 11 September 2001, al-Qaida gained its knowledge of guerrilla warfare tactics from reading translated US military manuals stored in what he described as the group's vast Afghanistan-based library.

It seems to confirm AQ got its manuals—via some means—from American manuals. And while this reference mentions just "guerrilla warfare tactics," presumably those tactics would include counter-interrogation strategies like the SERE program taught at Ft. Bragg. While I didn't get this when I wrote my post in April 2009 (back then I said Mitchell and Jessen didn't so much use SERE as al Qaeda's own tactics), this may suggest Mitchell and Jessen used SERE techniques precisely because that's what al Qaeda used.

I said this was interesting for a couple of reasons. As I noted in that earlier post, Mitchell and Jessen had a series of slides that talked not just about resistance to interrogation, but also resistance to exploitation. And as Jason Leopold and Jeff Kaye

emphasized several weeks ago, exploitation (that is, recruitment for other purposes, such as propaganda or spying) is at the core of SERE (and therefore, the program Mitchell and Jessen developed from it).

> [A]s Jessen's notes explain, torture was used to "exploit" detainees, that is, to break them down physically and mentally, in order to get them to "collaborate" with government authorities. Jessen's notes emphasize how a "detainer" uses the stresses of detention to produce the appearance of compliance in a prisoner.
>
> [snip]
>
> "The Jessen notes clearly state the totality of what was being reverse-engineered – not just 'enhanced interrogation techniques,' but an entire program of exploitation of prisoners using torture as a central pillar," [retired Air Force Capt. Michael Kearns, who provided these notes] said. "What I think is important to note, as an ex-SERE Resistance to Interrogation instructor, is the focus of Jessen's instruction. It is exploitation, not specifically interrogation. And this is not a picayune issue, because if one were to 'reverse-engineer' a course on resistance to exploitation then what one would get is a plan to exploit prisoners, *not* interrogate them. The CIA/DoD torture program appears to have the same goals as the terrorist organizations or enemy governments for which SV-91 and other SERE courses were created to defend against: the full exploitation of the prisoner in his intelligence, propaganda, or other needs held by the detaining power, such as the recruitment of informers and double agents. Those aspects of the US detainee program have not generally been discussed as part of the torture story

> in the American press." [my emphasis]

Mind you, all we know for sure from al-Libi's statement is that he told his interrogators that the al Qaeda manuals derived from American ones. That doesn't necessarily mean al Qaeda used manuals on the SERE program, nor does it change the importance of reporting that Mitchell and Jessen designed this torture program so as to use detainees for propaganda and recruitment purposes.

But al-Libi's confirmation sure does make these connections more likely.

THE GITMO DOCUMENTS REVEAL DISPARITIES BETWEEN US AND OTHER COUNTRIES' ASSESSMENT OF RISK

I'm working on weedy readings of the Gitmo Files released today. But I wanted to note the important revelation—and the source of the government's concerns—regarding the release.

These files assess how big a risk these prisoners are. And in a number of cases, the assessments label prisoners who have subsequently been released to other countries a "high risk." Thus, the international community may draw several conclusions from the release of these documents: either that the US pawned off high risk prisoners onto their countries, or the US trumped up charges against detainees to justify continued detention.

This tension shows, for example, in this story from Spain's el País: High Risk in the United

States, Absolved in Spain. It describes the assessments of two detainees with Spanish ties—Hamed Abderramán and Lahcen Ikasrrien—who were released to Spanish custody and subsequently released after a court ruled the evidence against them was not credible. (These are two of the detainees whose treatment at Gitmo Spain was trying to investigate.)

The tension also shows in the the joint release from DOD flack Geoff Morrell and Special Envoy for Closure of the Guantanamo Detention Facility Ambassador Daniel Fried. They struggle to explain how it is that detainees labeled high risk got released and emphasize that these assessments may have used different information than the Gitmo Review Task Force convened by President Obama.

> The Wikileaks releases include Detainee Assessment Briefs (DABs) written by the Department of Defense between 2002 and early 2009. These DABs were written based on a range of information available then.
>
> The Guantanamo Review Task Force, established in January 2009, considered the DABs during its review of detainee information. In some cases, the task force came to the same conclusions as the DABs. In other instances the review task force came to different conclusions, based on updated or other available information. The assessments of the Guantanamo Review Task Force have not been compromised to Wikileaks. Thus, any given DAB illegally obtained and released by Wikileaks may or may not represent the current view of a given detainee. [my emphasis]

They even go so far as to suggest that if detainees were improperly released, it's Bush's fault, since he transferred so many more detainees.

> Both the previous and the current administrations have made every effort to act with the utmost care and diligence in transferring detainees from Guantanamo. The previous administration transferred 537 detainees; to date, the current administration has transferred 67. Both administrations have made the protection of American citizens the top priority and we are concerned that the disclosure of these documents could be damaging to those efforts.

Of course, all of this dodges the real problem here. The DABs rather obviously include every claim against a detainee, even if doing so required relying on dubious intelligence.

So while Morrell and Fried are right that revealing what DOD claimed about these detainees might make it more difficult for other countries to accept them as transfers, the problem lies in the Administration's refusal to speak the truth about the shoddy claims used to justify Gitmo in the first place.

THE GITMO FILES: ABU ZUBAYDAH'S FILE

As bmaz posted, WikiLeaks is (finally) releasing the Gitmo Files, review files on 758 of the detainees who have passed through Gitmo. For background, here's the story Carol Rosenberg (with Tom Lasseter) wrote about the files. Among other things, they write about the "mission creep" at Gitmo, as people unrelated to al Qaeda were flown there in an attempt to extract intelligence.

> There's not a whiff in the documents that any of the work is leading the U.S. closer to capturing Bin Laden. In fact,

> the documents suggest a sort of mission creep beyond the post-9/11 goal of hunting down the al Qaida inner circle and sleeper cells.
>
> The file of one captive, now living in Ireland, shows he was sent to Guantanamo so that U.S. military intelligence could gather information on the secret service of Uzbekistan. A man from Bahrain is shipped to Guantanamo in June 2002, in part, for interrogation on "personalities in the Bahraini court."
>
> That same month, U.S. troops in Bagram airlifted to Guantanamo a 30-something sharecropper whom Pakistani security forces scooped up along the Afghan border as he returned home from his uncle's funeral.
>
> The idea was that, once at Guantanamo, 8,000 miles from his home, he might be able to tell interrogators about covert travel routes through the Afghan-Pakistan mountain region. Seven months later, the Guantanamo intelligence analysts concluded that he wasn't a risk to anyone — and had no worthwhile information. Pentagon records show they shipped him home in March 2003, after more than two years in either American or Pakistani custody.

Apparently, Dick Cheney was so afraid of Afghan sharecroppers he had to build a camp to hold them.

As a way of assessing the files, I wanted to start with Abu Zubaydah's file, since we have a good deal of information on him via other means. And it's clear that AZ's file, at least, is full of euphemism and half truths. One thing the report is clearly not: an attempt to get at the truth of the matter.

Before I get into the deceptions written into this report, note the admission the report makes

on page 13 (of 14):

> Detainee is assessed to be of HIGH intelligence value. Due to detainee's HVD status, detainee has yet to be interviewed.

That is, the people writing this report apparently had never even interviewed AZ, more than two years after he passed into their custody.

The distance between those writing the summary and the information described in the report may explain the seeming contradictions in it. Consider how the report treats whether AZ was or was not a member of al Qaeda. The Executive Summary reports,

> Detainee is a senior member of al-Qaida with direct ties to multiple high-ranking terrorists such as Usama Bin Laden (UBL).

Yet of course, AZ has revealed that his guards admitted this is not true. The very next line of the summary provides information that is true.

> Detainee has a vast amount of information regarding al-Qaida personnel and operations and is an admitted operational planner, financier and facilitator of international terrorists and their activities.

Though note how the file doesn't say that AZ is not an "admitted operational planner" for al Qaeda?

The body of the report later admits that AZ's application to Al Qaeda was rejected.

> Detainee submitted the requisite paperwork to join al-Qaida and pledge bayat (an oath of allegiance) to UBL. Detainee's application to al-Qaida was rejected.

Note that the report doesn't explain whether AZ tried to apply to al Qaeda before or after 1992, when (as the report admits) AZ suffered a head wound that caused his cognitive impairment? Even here, though, the report seems to cover up contradictory information.

> In approximately 1992 or 1993, detainee sustained a head wound from shrapnel while on the front lines.8 Detainee stated he had to relearn fundamentals such as walking, talking, and writing; as such, he was therefore considered worthless to al-Qaida. Detainee asked Abu Burhan al-Suri for permission to repeat the Khaldan Camp training. Detainee did not pledge bayat to UBL and did not become a full al-Qaida member. Detainee refused to make the pledge unless al-Qaida agreed to stage an attack inside Israel or mount an operation to help free Shaykh Umar Abd al-Rahman aka (the Blind Shaykh).9

That is, the report suggests that al Qaeda rejected AZ's application because he was "worthless" to al Qaeda. But it appears that AZ also refused to join al Qaeda because it did not meet his his priority—attacking Israel (remember, he's Palestinian). AZ himself has said there were other differences in approach between him and al Qaeda (notably, on the topic of attacking innocent civilians), but the report doesn't describe them.

Also note, the report makes no other mention—none!—of AZ's cognitive impairments that remained from that injury and which were almost certainly exacerbated by the torture he underwent in 2002. Indeed, the report says AZ is in good health, though he suffers from seizures.

And the report doesn't even try to explain the discrepancy between its explanation that al Qaeda found him worthless and the other detainees who said he was a member of al Qaeda.

> Detainee continues to deny being a member of al-Qaida. However, multiple sources and other al-Qaida members have identified detainee as an al-Qaida member.

Now, the report does explain this in detail, with references to the sources (I'll return to this in the future, but just as an example of the problems with their evidence, they refer to Zarqawi as an al Qaeda commander, even though he didn't become one until long after AZ was captured; also, they refer to what Ahmed Ressam said about AZ, without noting he recanted much of his testimony or describing whether Ressam had means to know the organizational structure of al Qaeda). The most important of these sources is Khalid Sheikh Mohammed (whom they refer in the body of the report as KU-10024).

> Khalid Shaykh Muhammad, ISN US9KU-010024DP (KU-10024) identified detainee as a senior al-Qaida lieutenant.16 KU-10024 and detainee each played key roles in facilitating travel for al-Qaida operatives.17

Now the first of those citations is to an interrogation report. But the second one is to (!) the 9/11 Commission Report. So this Gitmo report relies on analysis conducted by a bunch of people who suspected—but didn't know—that KSM was tortured, relying in part on those tortured interrogation reports, to confirm one key tie between AZ and al Qaeda.

And note how the file plays with time. Under a bullet point asserting AZ provided refuge for Osama bin Laden after 9/11 (one that, given the absence of further details, feels like something they know to be an overstatement), it includes this sub-bullet point that doesn't apparently follow logically.

> In February 2007, detainee admitted that he expressed his support of the 11

> September 2001 attacks against the US during a meeting with UBL, KU-10024, and IZ-10026;

I'm not sure what statement that was, but the report makes no mention of this public statement AZ made in March 2007.

> Yes, I write poetry against America and, yes, I feel good when operations by others are conducted against America but only against military targets such as the U.S.S Cole. But, I get angry if they target civilians such as those in the World Trade Center. This I am completely against [redacted].

Moreover, the reference to the actual date of a statement—2007, after AZ arrived at Gitmo (the second time), hints that statements made before that time might be less reliable.

But the file obfuscates more than just AZ's membership in al Qaeda.

For example, the report says AZ was transferred to Gitmo on September 4, 2006, "to face prosecution for terrorist activities against the United States." It doesn't say, though, that AZ had already been held at Gitmo once before he arrived for the final time in 2006, from 2003-2004. And the report jumps almost immediately from the report of AZ's condition being "stabilized" after he was captured…

> Detainee was transferred to US authorities immediately after his arrest and once his condition stabilized, he was transported out of Pakistan.

… to his arrival in Gitmo (the second time) in 2006.

In short, the report on Abu Zubaydah reads partly like an attempt to glue together a lot of contradictory information—without assessing the credibility of any one piece of that

information—and an either willful or unconscious effort to tell a narrative that justifies what those in charge of Gitmo were doing.

But a close reading reveals that it doesn’t succeed.