

WHAT ABOUT ABU ZUBAYDAH?

While I'm glad that Susan Crawford has acknowledged publicly what we all know—that Mohammed al-Qahtani was tortured (see Spencer's take here)—I'm just as interested in the questions that "crack reporter" Bob Woodward didn't ask.

Such as, "Is that the same reason Abu Zubaydah was not charged along with the other 9/11 plotters?"

The answer to that question might raise all sorts of uncomfortable answers, though. After all, Qahtani was not in the same category as the other 9/11 plotters, in either the treatment he received (since it came at Gitmo rather than in black sites overseas, and came while under DOD custody rather than CIA custody), or in his actions (that is, he was stopped short of participating in 9/11, if that was indeed his intent).

But Abu Zubaydah's treatment resembles Khalid Sheikh Mohammed's: while in CIA custody at a black site, he was waterboarded, not just once, but a bunch of times.

So if you admitted that Abu Zubaydah had been tortured—and therefore could not be tried—then it would raise questions about why KSM can be charged.

And if those questions were asked, you might have to differentiate between KSM and Zubaydah. KSM—as was made clear in his appearance in the Gitmo show trials—still has his wits about him. Zubaydah, from all reports, does not.

Or, just as importantly, KSM will happily admit to having done the things we accuse him of. But Zubaydah appears to have been over-sold as the mastermind of the attacks. In fact, if you admitted that Abu Zubaydah admitted to stuff he didn't really do after having been broken

through torture, then you'd have the beginning of the pattern—with Qahtani and Zubaydah—proving that torture doesn't work.

I'm glad Susan Crawford has finally admitted that we tortured Qahtani and because of that he can't be charged. But will she have the courage (and the clearance) to admit that about Abu Zubaydah, too?