

BRADBURY'S BELLYBUTTON

I want to highlight two paragraphs of Bradbury's May 30 torture memo to show how self-referential his argument is. The paragraphs (on pages 6 and 7) use Abu Zubaydah and Khalid Sheikh Mohammed as examples of the type of people that have been—or might be—waterboarded, so Bradbury is trying to fluff up their importance and danger. My comments are interspersed with his idiocy.

We understand that Abu Zubaydah and KSM are representative of the types of detainees on whom the waterboard has been, or might be, used. Prior to his capture, Zubaydah was "one of Usama Bin Laden's key lieutenants." CIA, *Zayn al-Abidin Muhammad Husayn ABU ZUBAYDAH* at 1 (Jan. 7, 2002) ("*Zubaydah Biography*")

Remember, Bradbury is writing this in 2005, even after the 9/11 Commission report came out referring to AZ with such descriptions as "a longtime ally of Bin Ladin," "worked closely with the al Qaeda leadership," "had an agreement with Bin Ladin," "associate," and twice, "lieutenant," but not "key lieutenant" and not "member of." But to make the case that waterboarding will only be used with the worst of the worst, Bradbury reverts back to a pre-capture biography of Zubadayah that was proven wrong by facts collected during Zubaydah's capture to make the claim Zubaydah was a key al Qaeda figure.

Indeed, Zubaydah was al Qaeda's third or fourth highest ranking member and had been involved "in every major terrorist operation carried out by al Qaeda." Memorandum for John Rizzo, Acting General Counsel, Central Intelligence Agency, from Jay S. Bybee, Assistant Attorney General, Office of Legal Counsel, Re: Interrogation of al Qaeda

Operative at 7 (Aug. 1, 2002)
("Interrogation Memorandum:"); Zubaydah
Biography (noting Zubaydah's involvement
in the September 11 attacks).

So once again, Bradbury cites a 2002 document that was proven to be erroneous by AZ's own interrogation testimony. But to make things worse, Bradbury cites a passage of the Bybee Two memo. That passage was almost certainly known to be false when Rizzo made it to Yoo in 2002. But Bradbury, as if wallowing gleefully in the fraudulent representations of that prior memo, cites it again, in 2005, when it was definitely known to be false.

Upon his capture on March 27, 2002,
Zubaydah became the most senior member
of al-Qaeda in United States custody.

Seeing how Sheikh al-Libi ran the Khaldan camp for which AZ served as tour guide, even this is an arguably false claim. But I can see why Bradbury would want to cite the CIA IG Report—the very document he was trying to refute—particularly if he were trying to hide what happened to al-Libi and why they (meaning the US, as opposed to the Egyptians) never got around to waterboarding him.

Now onto his case for KSM, some of which is not so egregious (though make sure you read to the end).

KSM, "a mastermind" of the September 11, 2001 attacks, was regarded as one of al-Qa'ida's most dangerous and resourceful operatives. [November 1, 2002 CIA biography name slightly obscured, folloed by two redacted lines] Prior to capture, the CIA considerd KSM to be one of al Qaeda's "most important operational leaders ... based on his close relationship with Usama Bin Laden and his reputation among the al-Qa'ida rank and file." Id. After the September 11

attacks, KSM assumed "the role of operations chief for al-Qa'ida around the world." CIA Directorate of Intelligence, *Khalid Sheikh Mohammed: Preeminent Source on Al-Qa'ida* 7 ("Preeminent Source")

Bradbury got on a roll there, with at least four facts in a row without a grievous error. But then there's this:

KSM also planned additional attacks within the United States both before and after September 11. See *id.* at 7-8; see also *The 9/11 Commission Report: Final Report of the National Commission on Terrorist Attacks Upon the United States* 150 (official gov't ed. 2004) ("9/11 Commission Report")

As a reminder, the "Preeminent Source" document is almost certainly the propaganda document Cheney wants to use to prove torture works—so I consider it preeminently untrustworthy.

And the 9/11 Report?!?!?! Well, first of all, I guess Bradbury can't claim to be ignorant of the way that 9/11 Report refers to Abu Zubaydah in much less grandiose terms than the pre-capture reports he relies on here did.

But here's what Bradbury wants to use from the 9/11 Report to boost up KSM's importance:

At this point, late 1998 to early 1999, planning for the 9/11 operation began in earnest. Yet while the 9/11 project occupied the bulk of KSM's attention, he continued to consider other possibilities for terrorist attacks. For example, he sent al Qaeda operative Issa al Britani to Kuala Lumpur, Malaysia, to learn about the jihad in Southeast Asia from Hambali. Thereafter, KSM claims, at Bin Ladin's direction in early 2001, he sent Britani to the United States to case potential economic and "Jewish"

targets in New York City. Furthermore, during the summer of 2001, KSM approached Bin Ladin with the idea of recruiting a Saudi Arabian air force pilot to commandeer a Saudi fighter jet and attack the Israeli city of Eilat. Bin Ladin reportedly liked this proposal, but he instructed KSM to concentrate on the 9/11 operation first. Similarly, KSM's proposals to Atef around this same time for attacks in Thailand, Singapore, Indonesia, and the Maldives were never executed, although Hambali's Jemaah Islamiah operatives did some casing of possible targets.

And the sources for those claims?

On a possible Southeast Asian operation, see Intelligence report, interrogation of Hambali, Sept. 4, 2003. On a possible U.S. operation, see Intelligence reports, interrogations of KSM, June 27, 2003; July 14, 2003. On a possible Israeli operation, see Intelligence report, interrogation of KSM, June 30, 2003. On other possible targets discussed with Atef, see Intelligence report, interrogation of Hambali, Sept. 4, 2003 (Thailand); Intelligence report, interrogation of KSM, Apr. 4, 2004 (Singapore, Indonesia, Maldives).

One interrogation of Hambali, less than a month after he was first captured, with all that might suggest. Along with KSM's own interrogations, only one of which (the one that was "not executed") came from an interrogation after KSM's first several months of captivity. KSM. The guy who got waterboarded and otherwise tortured and has since recanted much of what he said under torture.

So you see how Bradbury's bellybutton works. We waterboard people so they can tell us grand tales about terrorist plots that we then use to

argue that we should torture people because that torture will show how important these people are.

Bush's entire counter-terrorism strategy, summed up in one short rhetorical flourish.