HOW ABU ZUBAYDAH'S TORTURE PUT CIA AND FBI IN NSA'S DATABASES

I said yesterday that the plan, going as far back as 2002, was to let CIA and FBI tap right into NSA's data. I base that on this explanation from Keith Alexander, which he included in his declaration accompanying the End to End Report that was submitted sometime after October 30, 2009.

> By the fall of 2002, the Intelligence Community had grown increasingly concerned about the potential for further attacks on the United States. For example, during 10 to 24 September 2002, the Government raised the homeland security threat condition to "orange," indicating a high likelihood of attack. In this context, in October 2002 the Directors of NSA, CIA, and FBI established an Inter-Agency Review Group to examine information sharing [redacted] The group's top recommendation was that NSA create a common target knowledge database to allow joint research and information exchanges [redacted].

Of course, we now know that the threat level was high in September 2002 because the government was chasing down a bunch of false leads from Abu Zubaydah's torture.

> Abu Zubaida's revelations triggered a series of alerts and sent hundreds of CIA and FBI investigators scurrying in pursuit of phantoms. The interrogations led directly to the arrest of Jose Padilla, the man Abu Zubaida identified as heading an effort to explode a

> radiological "dirty bomb" in an American
> city. Padilla was held in a naval brig
> for 3 1/2 years on the allegation but
> was never charged in any such plot.
> Every other lead ultimately dissolved
> into smoke and shadow, according to
> high-ranking former U.S. officials with
> access to classified reports.
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> "We spent millions of dollars chasing
> false alarms," one former intelligence
> official said.

In other words, the justification for creating a database where CIA and FBI could directly access much of NSA's data was a mirage, one created by CIA's own torture.

All that's separate from the question of whether CIA and FBI should have access directly to NSA's data. Perhaps it makes us more responsive. Perhaps it perpetuates this process of chasing ghosts. That's a debate we should have based on actual results, not the tortured false confessions of a decade past.

But it's a testament to two things: the way in which torture created the illusion of danger, and the degree to which torture — and threat claims based on it — have secretly served as the basis the Executive uses to demand the FISA Court permit it to extend the dragnet.

Even the current CIA Director has admitted this to be true — though without explicitly laying out the import of it. Isn't it time we start acknowledging this — and reassessing the civil liberties damage done because of it — rather than keeping it hidden under redactions?