

witnesses the committee has requested.

"Our ability to obtain the most reliable and complete information would likely be jeopardized if the CIA undertakes the steps necessary to respond to your requests in a comprehensive fashion at this time," they wrote in a letter to the committee. In particular, they cited the committee's request to interview CIA inspector general personnel "because they are potential witnesses in the matter under our inquiry."

On Sunday, Rep. Jane Harman, D-Calif., said a congressional review was necessary because it was an "independent branch of government." She noted that Congress and the Justice Department have conducted many parallel inquiries in the past.

Harman said that when she was the top Democrat on the House Intelligence Committee in 2003, she sent a letter to the CIA warning the agency not to destroy the videotapes and "they did it anyway and they didn't tell us."

"So I am worried. It smells like the cover-up of the cover-up," Harman said.

Sen. Joe Biden, D-Del., reiterated his call for Attorney General Michael Mukasey to appoint a special counsel to investigate, citing Mukasey's refusal during confirmation hearings in October to describe waterboarding as torture. Mukasey has said there is no need right now to appoint a special prosecutor.

"I don't have confidence in the president. I don't have confidence in the vice president. And I don't have confidence in the Justice Department. That's as simple as I can put it," said Biden, a 2008 presidential contender.

Hoekstra and Harman spoke on "Fox News Sunday," and Biden appeared on CNN's "Late Edition."

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Tuesday, December 18, 2007

WASHINGTON POST

FBI, CIA Debate Significance of Terror Suspect

Agencies Also Disagree On Interrogation Methods

By Dan Eggen and Walter Pincus
Washington Post Staff Writers
Tuesday, December 18, 2007; A01

TRANSCOM GHOST DOCS 101

Al-Qaeda captive Abu Zubaida, whose interrogation videotapes were destroyed by the CIA, remains the subject of a dispute between FBI and CIA officials over his significance as a terrorism suspect and whether his most important revelations came from traditional interrogations or from torture.

While CIA officials have described him as an important insider whose disclosures under intense pressure saved lives, some FBI agents and analysts say he is largely a loudmouthed and mentally troubled hotelier whose credibility dropped as the CIA subjected him to a simulated drowning technique known as waterboarding and to other "enhanced interrogation" measures.

The question of whether Abu Zubaida -- whose real name is Zayn al-Abidin Muhammed Hussein -- was an unstable source who provided limited intelligence under gentle questioning, or a hardened terrorist who cracked under extremely harsh measures, goes to the heart of the current Washington debate over coercive interrogations and torture.

The House has approved legislation that would require U.S. intelligence agencies to follow Army rules adopted last year that explicitly forbid waterboarding and other harsh measures, but it has stalled in the Senate under a veto threat by President Bush.

A public assessment of Abu Zubaida's case has been complicated by the newly revealed destruction of the videotaped record of his questioning, according to congressional sources. Intelligence officials say no verbatim transcripts were made, although classified daily summaries were prepared.

Bush has sided publicly with the CIA's version of events. "We knew that Zubaida had more information that could save innocent lives, but he stopped talking," Bush said in September 2006. "And so the CIA used an alternative set of procedures," which the president said prompted Abu Zubaida to disclose information leading to the capture of Sept. 11, 2001, plotter Ramzi Binalshibh.

But former FBI officials privy to details of the case continue to dispute the CIA's account of the effectiveness of the harsh measures, making the record of Abu Zubaida's interrogation hard for outsiders to assess.

There is little dispute, according to officials from both agencies, that Abu Zubaida provided some valuable intelligence before CIA interrogators began to rough him up, including information that helped identify Khalid Sheik Mohammed, the alleged mastermind of the Sept. 11 attacks, and al-Qaeda operative Jose Padilla. Footnotes in the 9/11 Commission report attribute information about a variety of al-Qaeda personnel and activities to interrogations of Abu Zubaida beginning in April 2002 and lasting through February 2004.

Former CIA officer John Kiriakou -- who participated in Abu Zubaida's capture, was present for the next three days and later saw classified reports of the agency's harsh interrogations -- attracted attention last week when he said that information obtained from

Abu Zubaida under measures that Kiriakou now regards as torture "probably saved lives."

Former CIA director George J. Tenet, in his book recounting his tenure at the agency, also said claims that Abu Zubaida's importance was overstated were "baloney." Tenet wrote: "Abu Zubaydah had been at the crossroads of many al-Qaida operations and was in position to -- and did -- share critical information with his interrogators."

But FBI officials, including agents who questioned him after his capture or reviewed documents seized from his home, have concluded that even though he knew some al-Qaeda players, he provided interrogators with increasingly dubious information as the CIA's harsh treatment intensified in late 2002.

In legal papers prepared for a military hearing, Abu Zubaida himself has asserted that he told his interrogators whatever they wanted to hear to make the treatment stop.

Retired FBI agent Daniel Coleman, who led an examination of documents after Abu Zubaida's capture in early 2002 and worked on the case, said the CIA's harsh tactics cast doubt on the credibility of Abu Zubaida's information.

"I don't have confidence in anything he says, because once you go down that road, everything you say is tainted," Coleman said, referring to the harsh measures. "He was talking before they did that to him, but they didn't believe him. The problem is they didn't realize he didn't know all that much."



Abu Zubaida's journey through the U.S. government's secret prison system began on March 28, 2002, when U.S. and Pakistani authorities conducted a series of night raids at 14 suspected terrorist safe houses aimed at capturing him. The CIA designed the operation with Pakistan's intelligence service and special forces police, and the FBI had agents at each location to take custody of any physical evidence, officials said.

Documents, cellphones and computers were seized at multiple sites. After a gunfight in a second-floor apartment in Faisalabad, Abu Zubaida was shot three times while attempting to leap from the roof of one apartment to another. Still unidentified, he was placed in the back of a pickup truck and taken to a local hospital. An FBI agent in the truck was the first to suggest he might be Abu Zubaida.

U.S. intelligence and law enforcement officials had long sought Abu Zubaida, whom Ahmed Ressam -- a key organizer of the failed attempt to bomb the Los Angeles airport in 1999 -- had named as a fellow plotter. The 9/11 Commission described Abu Zubaida as a "longtime ally of bin Laden" who helped run the Khalden terrorist training camp in Afghanistan before the Sept. 11 attacks.

Once Abu Zubaida's identity was confirmed, the CIA station chief ordered him to be watched around the clock while U.S. officials made plans for intensive questioning at a secret site elsewhere, several officials said. He was flown out of Pakistan after three days.

In his book, "At the Center of the Storm: My Years in the CIA," Tenet wrote that a trauma physician from Johns Hopkins Medical Center was flown to Pakistan to help keep Abu Zubaida alive during his transfer to the new interrogation site. "Not that we had any sympathy for Zubaydah; we just didn't want him dying before we could learn what he might have to tell us about plans for future attacks," Tenet said.

* * *

Abu Zubaida's captors first spoke to him in Arabic, but he began responding only when they addressed him in English, Kiriakou recalled. Abu Zubaida explained that he would not talk to infidels in what he said was "God's language," Kiriakou said.

During his first month of captivity, Abu Zubaida described an al-Qaeda associate whose physical description matched that of Padilla, leading to Padilla's arrest at O'Hare International Airport in Chicago in May 2002. A former CIA officer said in an interview that Abu Zubaida's "disclosure of Padilla was accidental." The officer added that Abu Zubaida "was talking about minor things and provided a small amount of information and a description of a person, just enough to identify him because he had just visited the U.S. Embassy" in Pakistan.

Other officials, including Bush, have said that during those early weeks -- before the interrogation turned harsh -- Abu Zubaida confirmed that Mohammed's role as the mastermind of the Sept. 11 attacks.

A rift nonetheless swiftly developed between FBI agents, who were largely pleased with the progress of the questioning, and CIA officers, who felt Abu Zubaida was holding out on them and providing disinformation. Tensions came to a head after FBI agents witnessed the use of some harsh tactics on Abu Zubaida, including keeping him naked in his cell, subjecting him to extreme cold and bombarding him with loud rock music.

"They said, 'You've got to be kidding me,' " said Coleman, recalling accounts from FBI employees who were there. " 'This guy's a Muslim. That's not going to win his confidence. Are you trying to get information out of him or just belittle him?' " Coleman helped lead the bureau's efforts against Osama bin Laden for a decade, ending in 2004.

FBI Director Robert S. Mueller III eventually ordered the FBI team to withdraw from the interrogation, largely because bureau procedures prohibit agents from being involved in such techniques, according to several officials familiar with the episode.

Whether harsh tactics were used on Abu Zubaida prior to official legal authorization by the Justice Department is unclear. Officials at the CIA say all its tactics were lawful. An Aug. 1 Justice document later known as the "torture memo" narrowly defined what constituted illegal abuse. It was accompanied by another memo that laid out a list of allowable tactics for the CIA, including waterboarding, according to numerous officials.

According to Kiriakou's account, which he said is based on detailed descriptions by fellow team members, Abu Zubaida broke after just 35 seconds of waterboarding, which involved stretching cellophane over his mouth and nose and pouring water on his face to create the sensation of drowning.

But other former and current officials disagreed that Abu Zubaida's cooperation came quickly under harsh interrogation or that it was the result of a single waterboarding session. Instead, these officials said, harsh tactics used on him at a secret detention facility in Thailand went on for weeks or, depending on the account, even months.

The videotaping of Abu Zubaida in 2002 went on day and night throughout his interrogation, including waterboarding, and while he was sleeping in his cell, intelligence officials said. "Several hundred hours" of videotapes were destroyed in November 2005, a senior intelligence officer said. The CIA has said it ceased waterboarding in 2003.

According to the 9/11 Commission, which had access to FBI and CIA summaries of the interrogation, after August 2002 -- when the harsh questioning is said to have begun -- Abu Zubaida identified Abd al-Rahim al-Nashiri as a productive recruiter for al-Qaeda. Nashiri was subsequently captured and subjected to harsh interrogation, including waterboarding, but videotapes of that questioning were also destroyed by the CIA.

The commission also said Abu Zubaida provided further information in 2003 and 2004 about Mohammed's conversations with bin Laden and about Abu Turab, a key trainer for the Sept. 11 hijackers.

Even under intense pressure, Abu Zubaida remained a wily adversary, according to a former senior intelligence official familiar with the interrogation, who explained that he seemed "very selective in what he protected and what he gave up." Another former official said that when the measures turned harsh, Abu Zubaida constructed a rationale for why he should cooperate. He decided that "God will not try you beyond your ability to resist," as the former official put it.

Coleman, a 31-year FBI veteran, joined other former law enforcement colleagues in expressing skepticism about Abu Zubaida's importance. Abu Zubaida, he said in an interview, was a "safehouse keeper" with mental problems who claimed to know more about al-Qaeda and its inner workings than he really did.

Abu Zubaida's diary, which Coleman said he examined at length, was written in three distinct personalities -- one younger, one older and one the same age as Abu Zubaida. The book was full of flowery and philosophical meanderings, and made little mention of terrorism or al-Qaeda, Coleman said.

Looking at other evidence, including a serious head injury that Abu Zubaida had suffered years earlier, Coleman and others at the FBI believed that he had severe mental problems that called his credibility into question. "They all knew he was crazy, and they knew he

was always on the damn phone," Coleman said, referring to al-Qaeda operatives. "You think they're going to tell him anything?"

Tenet disagreed, writing in his book that CIA psychiatrists concluded that Abu Zubaida "was using a sophisticated literary device to express himself" in the diary, which was "hundreds of pages" long.

Coleman said reports of Abu Zubaida's statements during his early, traditional interrogation were "consistent with who he was and what he would possibly know." He and other officials said that materials seized from Abu Zubaida's house and other locations, including names, telephone numbers and computer laptops, provided crucial information about al-Qaeda and its network.

But, Coleman and other law enforcement officials said, CIA officials concluded to the contrary that Abu Zubaida was a major player, and they saw any lack of information as evidence that he was resisting interrogation. Much of the threat information provided by Abu Zubaida, Coleman said, "was crap."

"There's an agency mind-set that there was always some sort of golden apple out there, but there just isn't, especially with guys like him," Coleman said.

Staff writer Joby Warrick and staff researcher Julie Tate contributed to this report.

WASHINGTON POST

Telecom Immunity Issue Derails Spy Law Overhaul

Reid Pulls Legislation, Citing Insufficient Time Before Recess

By Jonathan Weisman and Paul Kane
Washington Post Staff Writers
Tuesday, December 18, 2007; A02

Amid deep and growing divisions among Senate Democrats, Senate Majority Leader Harry M. Reid (D-Nev.) last night abruptly withdrew legislation that would have changed surveillance law and granted the nation's telecommunications companies retroactive immunity from lawsuits charging they had violated privacy rights.

Democratic leaders had hoped to complete an overhaul of the 1978 Foreign Intelligence Surveillance Act before recessing for the year, since the current law governing the Bush administration's warrantless surveillance program is set to expire in early February. But in the face of more than a dozen amendments to the bill and guerrilla tactics from its opponents, Reid surprised his colleagues when he announced there would not be enough time to finish the job.

inconveniently, inconsiderately, comes Christmas, a holiday that couldn't be better calibrated to expose the Republicans' rank, fetid hypocrisy.

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NEW YORK TIMES

December 19, 2007

Bush Lawyers Discussed Fate of C.I.A. Tapes

By MARK MAZZETTI and SCOTT SHANE

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WASHINGTON — At least four top White House lawyers took part in discussions with the Central Intelligence Agency between 2003 and 2005 about whether to destroy videotapes showing the secret interrogations of two operatives from Al Qaeda, according to current and former administration and intelligence officials.

The accounts indicate that the involvement of White House officials in the discussions before the destruction of the tapes in November 2005 was more extensive than Bush administration officials have acknowledged.

Those who took part, the officials said, included Alberto R. Gonzales, who served as White House counsel until early 2005; David S. Addington, who was the counsel to Vice President Dick Cheney and is now his chief of staff; John B. Bellinger III, who until January 2005 was the senior lawyer at the National Security Council; and Harriet E. Miers, who succeeded Mr. Gonzales as White House counsel.

It was previously reported that some administration officials had advised against destroying the tapes, but the emerging picture of White House involvement is more complex. In interviews, several administration and intelligence officials provided conflicting accounts as to whether anyone at the White House expressed support for the idea that the tapes should be destroyed.

One former senior intelligence official with direct knowledge of the matter said there had been "vigorous sentiment" among some top White House officials to destroy the tapes. The former official did not specify which White House officials took this position, but he said that some believed in 2005 that any disclosure of the tapes could have been particularly damaging after revelations a year earlier of abuses at Abu Ghraib prison in Iraq.

Some other officials assert that no one at the White House advocated destroying the tapes. Those officials acknowledged, however, that no White House lawyer gave a direct order to preserve the tapes or advised that destroying them would be illegal.

TRANSCOM GHOST DOCS 107

The destruction of the tapes is being investigated by the Justice Department, and the officials would not agree to be quoted by name while that inquiry is under way.

Spokesmen for the White House, the vice president's office and the C.I.A. declined to comment for this article, also citing the inquiry.

The new information came to light as a federal judge on Tuesday ordered a hearing into whether the tapes' destruction violated an order to preserve evidence in a lawsuit brought on behalf of 16 prisoners at Guantánamo Bay, Cuba. The tapes documented harsh interrogation methods used in 2002 on Abu Zubaydah and Abd al-Rahim al-Nashiri, two Qaeda suspects in C.I.A. custody.

The current and former officials also provided new details about the role played in November 2005 by Jose A. Rodriguez Jr., then the chief of the agency's clandestine branch, who ultimately ordered the destruction of the tapes.

The officials said that before he issued a secret cable directing that the tapes be destroyed, Mr. Rodriguez received legal guidance from two C.I.A. lawyers, Steven Hermes and Robert Eatinger. The officials said that those lawyers gave written guidance to Mr. Rodriguez that he had the authority to destroy the tapes and that the destruction would violate no laws.

The agency did not make either Mr. Hermes or Mr. Eatinger available for comment.

Current and former officials said the two lawyers informed the C.I.A.'s top lawyer, John A. Rizzo, about the legal advice they had provided. But officials said Mr. Rodriguez did not inform either Mr. Rizzo or Porter J. Goss, the C.I.A. director, before he sent the cable to destroy the tapes.

"There was an expectation on the part of those providing legal guidance that additional bases would be touched," said one government official with knowledge of the matter. "That didn't happen."

Robert S. Bennett, a lawyer for Mr. Rodriguez, insisted that his client had done nothing wrong and suggested that Mr. Rodriguez had been authorized to order the destruction of the tapes. "He had a green light to destroy them," Mr. Bennett said.

Until their destruction, the tapes were stored in a safe in the C.I.A. station in the country where the interrogations took place, current and former officials said. According to one former senior intelligence official, the tapes were never sent back to C.I.A. headquarters, despite what the official described as concern about keeping such highly classified material overseas.

Top officials of the C.I.A.'s clandestine service had pressed repeatedly beginning in 2003 for the tapes' destruction, out of concern that they could leak and put operatives in both legal and physical jeopardy.

The only White House official previously reported to have taken part in the discussions was Ms. Miers, who served as a deputy chief of staff to President Bush until early 2005, when she took over as White House counsel. While one official had said previously that Ms. Miers's involvement began in 2003, other current and former officials said they did not believe she joined the discussions until 2005.

Besides the Justice Department inquiry, the Congressional intelligence committees have begun investigations into the destruction of the tapes, and are looking into the role that officials at the White House and Justice Department might have played in discussions about them. The C.I.A. never provided the tapes to federal prosecutors or to the Sept. 11 commission, and some lawmakers have suggested that their destruction may have amounted to obstruction of justice.

Newsweek reported this week that John D. Negroponte, who was director of national intelligence at the time the tapes were destroyed, sent a memorandum in the summer of 2005 to Mr. Goss, the C.I.A. director, advising him against destroying the tapes. Mr. Negroponte left the job this year to become deputy secretary of state, and a spokesman for the director of national intelligence declined to comment on the Newsweek article.

The court hearing in the Guantánamo case, set for Friday in Washington by District Judge Henry H. Kennedy Jr. over the government's objections, will be the first public forum in which officials submit to questioning about the tapes' destruction.

There is no publicly known connection between the 16 plaintiffs — 14 Yemenis, an Algerian and a Pakistani — and the C.I.A. videotapes. But lawyers in several Guantánamo cases contend that the government may have used information from the C.I.A. interrogations to identify their clients as "unlawful combatants" and hold them at Guantánamo for as long as six years.

"We hope to establish a procedure to review the government's handling of evidence in our case," said David H. Remes, a lawyer representing the 16 detainees.

Jonathan Hafetz, who represents a Qatari prisoner at Guantánamo and filed a motion on Tuesday seeking a separate hearing, said the videotapes could well be relevant.

"If the government is relying on the statement of a witness under harsh interrogation, a videotape of the interrogation would be very relevant," said Mr. Hafetz, of the Brennan Center for Justice at New York University law school.

In addition to the Guantánamo court filings, the American Civil Liberties Union has asked a federal judge to hold the C.I.A. in contempt of court for destroying the tapes. The A.C.L.U. says the destruction violated orders in a Freedom of Information Act case brought by several advocacy groups seeking materials related to detention and interrogation.

David Johnston contributed reporting.

"Only hours after having a love fest over the energy bill, the Bush administration turned it into a hate fest for California and more than a dozen other states seeking to limit greenhouse gases from motor vehicles," O'Donnell said.

Rep. Henry A. Waxman (D-Calif.), who chairs the House Oversight and Government Reform Committee, vowed to scrutinize Johnson's ruling. The EPA has yet to produce the "decision documents" it customarily presents to outline its justification for a new ruling.

"EPA's decision ignores the law, science and common sense," Waxman said in a statement. "This is a policy dictated by politics and ideology, not facts. The committee will be investigating how and why this decision was made."

California, which is allowed under the Clean Air Act to set its own air pollution policies as long as it obtains an exemption from the federal government, had never been denied a waiver in the law's 37-year history.

William K. Reilly, who served as EPA administrator under President George H.W. Bush and approved nine California waivers during that time, questioned why the administration challenged the state's historical role as an innovator in air pollution policy.

"What I want to know from the [administration] is: What possible grounds would there possibly be to deny California this waiver?" asked Reilly, who co-chairs the bipartisan National Commission on Energy Policy, a group of energy experts. "There's every reason to defer to California in making these decisions."

In his telephone call with reporters, Johnson said this waiver decision was "different" because climate change affects the entire world.

"It is a global problem that requires a clear national solution," he said. When asked whether the energy law represents the administration's full response to the challenge of global warming, he replied, "Certainly for motor vehicles this is a comprehensive solution."

Staff researchers Karl Evanzz and Meg Smith contributed to this report.

WASHINGTON POST

White House Lawyers Told Of Videotapes

CIA Chief Says They Urged Caution in Destroying Tapes

By Michael Abramowitz and Joby Warrick
Washington Post Staff Writers
Thursday, December 20, 2007; A03

CIA Director Michael V. Hayden told lawmakers privately last week that three White House lawyers were briefed in 2004 about the existence of videotapes showing the interrogation of two al-Qaeda figures, and they urged the agency to be "cautious" about destroying the tapes, according to sources familiar with his classified testimony.

The three White House officials present at the briefing were David S. Addington, then Vice President Cheney's chief counsel; Alberto R. Gonzales, then White House counsel; and John B. Bellinger III, then the top lawyer at the National Security Council, according to Hayden's closed-door testimony before the Senate intelligence committee.

When told that some high-ranking CIA officials were demanding that the tapes be destroyed, the White House lawyers "consistently counseled caution," said one U.S. official familiar with Hayden's testimony. Another source said that Harriet E. Miers followed up with a similar recommendation in 2005, making her the fourth White House lawyer "urging caution" on the action.

The ambiguity in the phrasing of Hayden's account left unresolved key questions about the White House's role. While his account suggests an ambivalent White House view toward the tapes, other intelligence officials recalled White House officials being more emphatic at the first meeting that the videos should not be destroyed.

Also unexplained is why the issue was discussed at the White House without apparent resolution for more than a year.

★ According to CIA officials, the videos recorded the response of two top al-Qaeda figures incarcerated in 2002 at secret prisons to a simulated-drowning technique known as waterboarding, as well as other "enhanced techniques" meant to pry loose secret information about terrorist plans.

The tapes were destroyed in November 2005, after the secret prisons' existence was disclosed by The Washington Post, in what the CIA says was a security measure intended to protect the identities of agency officers who participated in the interrogations.

The disclosures about Hayden's testimony came as the CIA, faced with a threat of congressional subpoenas, announced that it would begin turning over documents related to the tapes to oversight committees as early as today. Reversing an administration decision last week to defer any cooperation with Congress, the CIA also said it will comply with lawmakers' requests to allow its officers to testify about the tapes.

Rep. Sylvestre Reyes (D-Tex.), who chairs the House intelligence committee, said yesterday that he will schedule a hearing for Jan. 16. He said he expects testimony from John A. Rizzo, the CIA's general counsel, and Jose A. Rodriguez Jr., its former director of operations and the official said to have made the decision to destroy the tapes.

"Subpoenas have been prepared. We hope we don't have to use them," Reyes said.

His committee has requested a broad range of documents related to the tapes, as well as copies of memos and notes from the agency's internal debate of nearly three years over whether to destroy them. A CIA spokesman said the agency is already preparing to transmit the materials to Congress.

"We will work to make sure the committee knows everything it needs to know," the official said.

Miers, the White House counsel at the time of the briefings, was previously known to be involved in discussions of the tapes. Hayden's testimony expanded the number of White House officials alerted to their existence and the CIA's interest in destroying them.

Hayden's message to lawmakers last week was that the White House officials neither advocated destroying the tapes nor counseled against their destruction.

Hayden became CIA director in May 2006, after the tapes were destroyed. The ambiguity in his account of the White House briefings may be partly explained by his reliance on the recollections of others -- chiefly, agency lawyers whose decisions are now under congressional scrutiny, said one former senior attorney for the agency. "People are trying to recall stuff that happened four or five years ago," said the official, who spoke on the condition of anonymity. "They are trying to speak with honesty and candor, but they are also having to get 'lawyered' up themselves -- they have to protect themselves."

Congress and the Justice Department are investigating the handling of the tapes as possible obstruction of justice. A federal judge has scheduled a hearing on Friday into whether the CIA's action violated orders to preserve evidence relevant to lawsuits filed by prisoners in detention at the U.S. military prison at Guantanamo Bay, Cuba.

The two al-Qaeda operatives -- Zayn al-Abidin Muhammed Hussein, known as Abu Zubaida, and Abd al-Rahim al-Nashiri -- were interrogated by the CIA before being transferred to Guantanamo Bay in 2006.

The New York Times first disclosed in yesterday's editions the involvement of all four White House officials in discussions about the tapes.

But White House officials reacted angrily to the newspaper's suggestion that they had not previously acknowledged being as deeply involved in the deliberations, taking particular issue with part of the headline on the article -- "White House Role Was Wider Than It Said." Spokeswoman Dana Perino said the White House had never officially described what its role was.

"The New York Times' inference that there is an effort to mislead in this matter is pernicious and troubling," Perino said in a statement.

Catherine Mathis, a spokeswoman for the Times, said in an e-mail that the headline could have been written with more precision and that a correction is forthcoming. But she noted that the White House had not challenged the accuracy of the article.

Perino and a spokeswoman for Vice President Cheney otherwise declined to comment on the involvement of the four officials, noting the ongoing investigations.

Meanwhile, the Bush administration's nominee for deputy attorney general told the Senate Judiciary Committee yesterday he would have advised the CIA to preserve the interrogation tapes, regardless of whether they were technically subject to a court order.

U.S. District Judge Mark Filip of Chicago testified that in addition to telling CIA officials "what their legal responsibilities were," he also would have given them "broader, more prudential sort of advice."

"It might be the better practice to keep those, in any event, given the nature of the interests at stake, in terms of the subject matter that was on the tapes," Filip said.

But Filip also echoed the remarks of his potential boss, Attorney General Michael B. Mukasey, by refusing to say whether waterboarding amounts to illegal torture.

Staff writer Dan Eggen contributed to this report.

WASHINGTON POST

Mukasey Limits Agency's Contacts With White House

By Dan Eggen
Washington Post Staff Writer
Thursday, December 20, 2007; A03

Attorney General Michael B. Mukasey issued new restrictions yesterday on contacts between Justice Department and White House officials regarding ongoing criminal or civil investigations, implementing his first major policy revision since taking office on Nov. 9.

Mukasey had promised to institute new guidelines in the wake of the U.S. attorney firings scandal, in which lawmakers and some prosecutors alleged that White House political aides and other officials were inappropriately informed about details of criminal or civil probes.

The new guidelines would restrict such communication but would still allow discussions between officials at all levels of the department and the White House about legislation, budgets, policy issues and political appointments, presumably including decisions to hire or fire U.S. attorneys.

In a speech this week, Sen. Charles E. Schumer (D-N.Y.) said the administration "cannot step up to the plate to solve major problems." But of the seven policies he has proposed, the administration is in general agreement -- though with differences on many details -- with six.

For example, Schumer advocated increasing the size of the loans that government-sponsored finance companies Fannie Mac and Freddie Mac can fund. Paulson has said that he would support such a move, as long as it includes a stronger regulator for the companies.

Rep. Thomas M. Davis III (R-Va.), who has been supportive of Bush's handling of the economy, said it is difficult to design the right approach to an uncertain economic situation. Of the White House, he said: "They are nervous that we will do more than we need to do. In a month, we will get more data. The real question on the subprime crisis is 'How deep does it reach?'"

Polling director Jon Cohen contributed to this report.

WASHINGTON POST

CIA Seeks Investigation Of Ex-Officer's Claims

Waterboarding Statements Raise Concern

By Peter Baker and Joby Warrick
Washington Post Staff Writers
Friday, December 21, 2007; A03

The CIA has asked the Justice Department to investigate whether a former agency officer illegally disclosed classified information in describing the capture and waterboarding of an al-Qaeda terrorism suspect, officials said yesterday.

In interviews last week with The Washington Post and other news organizations, former CIA officer John Kiriakou discussed details of the capture of Zayn al-Abidin Muhammed Hussein alleging that he resisted cooperating with interrogators until he was subjected to waterboarding, which makes a captive believe he is being drowned.

Kiriakou, who participated in the capture of the man commonly known as Abu Zubaida in Pakistan in March 2002, said he did not see the waterboarding but was given details by others who were there. He said waterboarding was effective in Abu Zubaida's case, though Kiriakou now regards the technique as torture.

Kiriakou's attorney, Mark Zaid, a Washington lawyer whose clients include former CIA employees, said the CIA routinely refers such cases to the Justice Department, though only rarely do the referrals result in criminal charges.

"If they do pursue it, they will open a Pandora's box that will put the spotlight on whether the interrogations were lawful, and the extent to which they have been fully revealed by federal officials," Zaid said in an interview.

News of the investigation came amid continuing controversy over the CIA's destruction of videotapes, which recorded interrogations of Abu Zubaida and another CIA prisoner. The CIA disclosed earlier this month that videotapes were destroyed in 2005, and the Justice Department and CIA inspector general have launched a preliminary inquiry.

President Bush yesterday declined to say whether he thinks the CIA acted responsibly by destroying the tapes, while a House committee accelerated its own investigation of the episode and subpoenaed the CIA official who reportedly ordered the destruction.

"I'm going to reserve judgment until I find out the full facts," Bush said. Noting the multiple investigations now opened, he added: "Until these inquiries are complete, until the oversights are finished, then I will be rendering no opinion from the podium."

Bush's remarks came as sources disclosed that another government lawyer argued strongly against destroying the tapes. Scott Muller, who was appointed CIA general counsel in 2002, was the agency's top legal expert when White House officials were receiving initial briefings about the existence of the tapes, and he opposed their destruction until his departure in late 2004, two officials familiar with the discussions said yesterday.

CIA Director Michael V. Hayden told lawmakers privately last week that three White House lawyers also urged the agency to be "cautious" about destroying the tapes, said sources familiar with the classified testimony. Another source said that a fourth White House lawyer, Bush's friend Harriet E. Miers, followed up with similar advice in 2005.

The House intelligence committee also moved yesterday to dig deeper into what happened to the tapes. Chairman Silvestre Reyes (D-Tex.) said the panel subpoenaed Jose A. Rodriguez Jr., the CIA's former director of operations, who is said to have made the decision to destroy the tapes.

The panel was talking with CIA officials to secure testimony from John A. Rizzo, the CIA's current general counsel. The committee also wants to hear from four other CIA lawyers -- Steven Hermes, Robert J. EATINGER, Elizabeth Voigt and John McPherson -- as well as the unidentified CIA officials in charge of the secret overseas prison where the interrogations took place. Also in the panel's sights are Muller, former CIA directors George J. Tenet and Porter J. Goss, and James L. Pavitt, former deputy director of operations. ✱

Staff writer Dan Eggen contributed to this report.

by 30 percent by 2016. That would require improvements in fuel economy far beyond those called for in the energy bill signed this week.

Over the years, California has made 50 waiver requests to regulate smog-forming pollutants and other gases and has never been denied. This was the first request involving emissions of carbon dioxide and other greenhouse gases, which the Bush administration has steadfastly refused to regulate.

For three years, the E.P.A. also hid behind the argument that it had no authority over carbon dioxide emissions because carbon dioxide was not specifically identified as a pollutant under the Clean Air Act. The Supreme Court demolished that argument last April. Subsequent court decisions have upheld the states' authority to set their own standards while refuting the auto industry's assertions that meeting the California standards would be technologically and economically impossible.

Undeterred, industry tried to insert language in the energy bill that would have gutted E.P.A.'s authority to regulate carbon dioxide and, thus, its authority to grant California its waiver. Congress refused. The automakers also sought relief from the White House and Vice President Cheney. The result of all these machinations was Mr. Johnson's decision on Wednesday and the ludicrous reasoning that accompanied it.

One of Mr. Johnson's arguments was that a "national solution" to carbon dioxide emissions was preferable to a "confusing patchwork of state rules." A national solution is precisely what the administration has refused to offer. And the California rule — once in force there and in 17 other states — would in fact constitute a uniform standard covering nearly half the car market. That is why the automakers lobbied so fiercely against it.

It has been hard enough to trust Mr. Bush's recent assertions that he has finally gotten religion on climate change. It all seems like posturing now.

Saturday, December 22, 2007

WASHINGTON POST

Detainee Evidence Probe Weighed

Judge Told Guantanamo Information May Have Been Destroyed

By Carol D. Leonnig
Washington Post Staff Writer
Saturday, December 22, 2007; A02

A federal judge expressed skepticism yesterday that he should order a special judicial investigation into whether the Bush administration has destroyed evidence related to suspected enemy fighters at the U.S. military prison at Guantanamo Bay, Cuba.

* The issue was raised by lawyers for some of the detainees at Guantanamo, who cited as a cause for worry the CIA's recent acknowledgment that it destroyed videotapes of interrogations of two prisoners at secret detention sites.

U.S. District Judge Henry H. Kennedy Jr. had scheduled the hearing yesterday, over the government's objections, to consider whether the destruction of those tapes violated a 2005 order in which he said the government should preserve any evidence related to torture or mistreatment of detainees at Guantanamo.

Kennedy expressed concerns at the hour-long hearing about whether the destruction was linked to what happened at Guantanamo and whether a special inquiry into the possible destruction of other documents was needed. But he said at the end he would consider the request.

The Guantanamo detainees, some held for as long as six years without charges, have challenged their imprisonment, and several have alleged that their U.S. captors have tortured and abused them. David H. Remes, an attorney for several detainees, argued yesterday that the destruction of the CIA tapes signaled that the administration was willing to destroy evidence of possible torture and said that the court should find out what else could be missing.

Attorneys for Guantanamo detainees have said in recent days that the destroyed CIA tapes could be relevant if coercive interrogations of Abu Zubaida or Nashiri led them to implicate those held at Guantanamo now.

A Justice Department lawyer urged the judge to hold off, saying such an inquiry could compromise a Justice Department probe that is underway. Department lawyer Joseph "Jody" Hunt also assured Kennedy that it is "inconceivable" that the taped interrogations of two CIA prisoners are records covered by the judge's 2005 order, because they were videotaped in 2002 at sites other than Guantanamo.

Remes questioned why the court should trust the Justice Department's claim that the tapes were not relevant, particularly if the department was aware of the destruction at the time it occurred. "We now have the Justice Department saying, 'Stay out of it. We'll figure it out,'" Remes said. "I must say . . . this is like leaving the fox in charge of the henhouse."

Remes also argued that the detainees' legal cases are at a particularly fragile state, as the Supreme Court is now weighing whether the administration followed the law and objectively assessed evidence against the detainees while deciding if they were enemy combatants who could be imprisoned indefinitely.

"The court has the inherent power to preserve the status quo, by ensuring that further evidence relevant to our clients is not destroyed and to determine the extent of destruction that has already taken place," Remes said.

But Kennedy, who was appointed to the federal bench in 1997 by President Bill Clinton, said he was wary of Remes's suggestion that he undertake a wide-ranging probe of the government's preservation of evidence.

Separately yesterday, Deputy Secretary of State John D. Negroponte said he is prepared to testify before Congress about what he knew of the CIA's destruction of tapes and will cooperate with "whomever is investigating this matter." Negroponte, 68, was director of national intelligence when the tapes were destroyed and said yesterday that he was confident that "whatever record is developed will show that I dealt with this situation in an entirely appropriate manner."

Newsweek magazine reported earlier this month that Negroponte advised then-CIA Director Porter J. Goss in the summer of 2005 not to destroy the tapes.

NEW YORK TIMES

December 22, 2007

9/11 Panel Study Finds That C.I.A. Withheld Tapes

By MARK MAZZETTI

Page 1

WASHINGTON — A review of classified documents by former members of the Sept. 11 commission shows that the panel made repeated and detailed requests to the Central Intelligence Agency in 2003 and 2004 for documents and other information about the interrogation of operatives of Al Qaeda, and were told by a top C.I.A. official that the agency had "produced or made available for review" everything that had been requested.

The review was conducted earlier this month after the disclosure that in November 2005, the C.I.A. destroyed videotapes documenting the interrogations of two Qaeda operatives.

A seven-page memorandum prepared by Philip D. Zelikow, the panel's former executive director, concluded that "further investigation is needed" to determine whether the C.I.A.'s withholding of the tapes from the commission violated federal law.

In interviews this week, the two chairmen of the commission, Lee H. Hamilton and Thomas H. Kean, said their reading of the report had convinced them that the agency had made a conscious decision to impede the Sept. 11 commission's inquiry.

Mr. Kean said the panel would provide the memorandum to the federal prosecutors and congressional investigators who are trying to determine whether the destruction of the tapes or withholding them from the courts and the commission was improper.

TRANSCOM GHOST DOCS 118

Reza Aslan is an assistant professor of creative writing at the University of California at Riverside and the author of "No god but God: The Origins, Evolution, and Future of Islam."

NEW YORK TIMES

December 30, 2007

Tapes by C.I.A. Lived and Died to Save Image

By SCOTT SHANE and MARK MAZZETTI

Page 1

WASHINGTON — If Abu Zubaydah, a senior operative of Al Qaeda, died in American hands, Central Intelligence Agency officers pursuing the terrorist group knew that much of the world would believe they had killed him.

So in the spring of 2002, even as the intelligence officers flew in a surgeon from Johns Hopkins Hospital to treat Abu Zubaydah, who had been shot three times during his capture in Pakistan, they set up video cameras to record his every moment: asleep in his cell, having his bandages changed, being interrogated.

In fact, current and former intelligence officials say, the agency's every action in the prolonged drama of the interrogation videotapes was prompted in part by worry about how its conduct might be perceived — by Congress, by prosecutors, by the American public and by Muslims worldwide.

That worry drove the decision to begin taping interrogations — and to stop taping just months later, after the treatment of prisoners began to include waterboarding. And it fueled the nearly three-year campaign by the agency's clandestine service for permission to destroy the tapes, culminating in a November 2005 destruction order from the service's director, Jose A. Rodriguez Jr.

Now, the disclosure of the tapes and their destruction in 2005 have become just the public spectacle the agency had sought to avoid. To the already fierce controversy over whether the Bush administration authorized torture has been added the specter of a cover-up.

The Justice Department, the C.I.A.'s inspector general and Congress are investigating whether any official lied about the tapes or broke the law by destroying them. Still in dispute is whether any White House official encouraged their destruction and whether the C.I.A. deliberately hid them from the national Sept. 11 commission.

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But interviews with two dozen current and former officials, most of whom would speak about the classified program only on the condition of anonymity, revealed new details about why the tapes were made and then eliminated. Their accounts show how political and legal considerations competed with intelligence concerns in the handling of the tapes.

The discussion about the tapes took place in Congressional briefings and secret deliberations among top White House lawyers, including a meeting in May 2004 just days after photographs of abuse at Abu Ghraib prison in Iraq had reminded the administration of the power of such images. The debate stretched over the tenure of two C.I.A. chiefs and became entangled in a feud between the agency's top lawyers and its inspector general. The tapes documented a program so closely guarded that President Bush himself had agreed with the advice of intelligence officials that he not be told the ~~*~~ locations of the secret C.I.A. prisons. Had there been no political or security considerations, videotaping every interrogation and preserving the tapes would make sense, according to several intelligence officials.

"You couldn't have more than one or two analysts in the room," said A. B. Krongard, the C.I.A.'s No. 3 official at the time the interrogations were taped. "You want people with spectacular language skills to watch the tapes. You want your top Al Qaeda experts to watch the tapes. You want psychologists to watch the tapes. You want interrogators in training to watch the tapes."

Given such advantages, why was the taping stopped by the end of 2002, less than a year after it started?

"By that time," Mr. Krongard said, "paranoia was setting in."

The Decision to Tape

By several accounts, the decision to begin taping Abu Zubaydah and another detainee suspected of being a Qaeda operative, Abd al-Rahim al-Nashiri, was made in the field, with several goals in mind.

First, there was Abu Zubaydah's precarious condition. "There was concern that we needed to have this all documented in case he should expire from his injuries," recalled one former intelligence official.

Just as important was the fact that for many years the C.I.A. had rarely conducted even standard interrogations, let alone ones involving physical pressure, so officials wanted to track closely the use of legally fraught interrogation methods. And there was interest in capturing all the information to be gleaned from a rare resource — direct testimony from those who had attacked the United States.

But just months later, the taping was stopped. Some field officers had never liked the idea. "If you're a case officer, the last thing you want is someone in Washington second-guessing everything you did," said one former agency veteran.

More significant, interrogations of Abu Zubaydah had gotten rougher, with each new tactic approved by cable from headquarters. American officials have said that Abu Zubaydah was the first Qaeda prisoner to be waterboarded, a procedure during which water is poured over the prisoner's mouth and nose to create a feeling of drowning. Officials said they felt they could not risk a public leak of a videotape showing Americans giving such harsh treatment to bound prisoners.

Heightening the worries about the tapes was word of the first deaths of prisoners in American custody. In November 2002, an Afghan man froze to death overnight while chained in a cell at a C.I.A. site in Afghanistan, north of Kabul, the capital. Two more prisoners died in December 2002 in American military custody at Bagram Air Base in Afghanistan.

By late 2002, interrogators were recycling videotapes, preserving only two days of tapes before recording over them, one C.I.A. officer said. Finally, senior agency officials decided that written summaries of prisoners' answers would suffice.

Still, that decision left hundreds of hours of videotape of the two Qaeda figures locked in an overseas safe.

Clandestine service officers who had overseen the interrogations began pushing hard to destroy the tapes. But George J. Tenet, then the director of central intelligence, was wary, in part because the agency's top lawyer, Scott W. Muller, advised against it, current and former officials said.

Yet agency officials decided to float the idea of eliminating the tapes on Capitol Hill, hoping for political cover. In February 2003, Mr. Muller told members of the House and Senate oversight committees about the C.I.A.'s interest in destroying the tapes for security reasons.

But both Porter J. Goss, then a Republican congressman from Florida and the chairman of the House Intelligence Committee, and Representative Jane Harman of California, the ranking Democrat, thought destroying the tapes would be legally and politically risky. C.I.A. officials did not press the matter.

The Detention Program

Scrutiny of the C.I.A.'s secret detention program kept building. Later in 2003, the agency's inspector general, John L. Helgerson, began investigating the program, and some insiders believed the inquiry might end with criminal charges for abusive interrogations.

Mr. Helgerson — now conducting the videotapes review with the Justice Department — had already rankled covert officers with an investigation into the 2001 shooting down of a missionary plane by Peruvian military officers advised by the C.I.A. The investigation set off widespread concern within the clandestine branch that a day of reckoning could be

coming for officers involved in the agency's secret prison program. The Peru investigation often pitted Mr. Helgerson against Mr. Muller, who vigorously defended members of the clandestine branch and even lobbied the Justice Department to head off criminal charges in the matter, according to former intelligence officials

"Muller wanted to show the clandestine branch that he was looking out for them," said John Radsan, who served as an assistant general counsel for the C.I.A. from 2002 to 2004. "And his aggressiveness on Peru was meant to prove to the operations people that they were protected on a lot of other programs, too."

Mr. Helgerson completed his investigation of interrogations in April 2004, according to one person briefed on the still-secret report, which concluded that some of the C.I.A.'s techniques appeared to constitute cruel, inhuman and degrading treatment under the international Convention Against Torture. Current and former officials said the report did not explicitly state that the methods were torture.

A month later, as the administration reeled from the Abu Ghraib disclosures, Mr. Muller, the agency general counsel, met to discuss the report with three senior lawyers at the White House: Alberto R. Gonzales, the White House counsel; David S. Addington, legal adviser for Vice President Dick Cheney; and John B. Bellinger III, the top lawyer at the National Security Council.

The interrogation tapes were discussed at the meeting, and one Bush administration official said that, according to notes of the discussion, Mr. Bellinger advised the C.I.A. against destroying the tapes. The positions Mr. Gonzales and Mr. Addington took are unknown. One person familiar with the discussion said that in light of concerns raised in the inspector general's report that agency officers could be legally liable for harsh interrogations, there was a view at the time among some administration lawyers that the tapes should be preserved.

Looking for Guidance

After Mr. Tenet and Mr. Muller left the C.I.A. in mid-2004, Mr. Rodriguez and other officials from the clandestine branch decided again to take up the tapes with the new chief at Langley, Mr. Goss, the former congressman.

Mr. Rodriguez had taken over the clandestine directorate in late 2004, and colleagues say Mr. Goss repeatedly emphasized to Mr. Rodriguez that he was expected to run operations without clearing every decision with superiors.

During a meeting in Mr. Goss's office with Mr. Rodriguez, John A. Rizzo, who by then had replaced Mr. Muller as the agency's top lawyer, told the new C.I.A. director that the clandestine branch wanted a firm decision about what to do with the tapes.

According to two people close to Mr. Goss, he advised against destroying the tapes, as he had in Congress, and told Mr. Rizzo and Mr. Rodriguez that he thought the tapes should

be preserved at the overseas location. Apparently he did not explicitly prohibit the tapes' destruction.

Yet in November 2005, Congress already was moving to outlaw "cruel, inhuman and degrading" treatment of prisoners, and The Washington Post reported that some C.I.A. prisoners were being held in Eastern Europe. As the agency scrambled to move the prisoners to new locations, Mr. Rodriguez and his aides decided to use their own authority to destroy the tapes, officials said.

One official who has spoken with Mr. Rodriguez said Mr. Rodriguez and his aides were concerned about protection of the C.I.A. officers on the tapes, from Al Qaeda, as the C.I.A. has stated, and from political pressure.

The tapes might visually identify as many as five or six people present for each interrogation — interrogators themselves, whom the agency now prefers to call "debriefers"; doctors or doctor's assistants who monitored the prisoner's medical state; and security officers, the official said. Some traveled regularly in and out of areas where Al Qaeda and other Islamist extremists are active, he said.

Apart from concerns about physical safety in the event of a leak, the official said, there was concern for the careers of officers shown on the tapes. "We didn't want them to become political scapegoats," he said.

According to several current and former officials, lawyers in the agency's clandestine branch gave Mr. Rodriguez written guidance that he had the authority to destroy the tapes and that such a move would not be illegal.

One day in November 2005, Mr. Rodriguez sent a cable ordering the destruction of the recordings. Soon afterward, he notified both Mr. Goss and Mr. Rizzo, taking full responsibility for the decision.

Former intelligence officials said that Mr. Goss was unhappy about the news, in part because it was further evidence that as the C.I.A. director he was so weakened that his subordinates would directly reject his advice. Yet it appears that Mr. Rodriguez was never reprimanded. Nor is there evidence that Mr. Goss promptly notified Congress that the tapes were gone.

The investigations over the tapes frustrate some C.I.A. veterans, who say they believe that the agency is being unfairly blamed for policies of coercive interrogation approved at the top of the Bush administration and by some Congressional leaders. Intelligence officers are divided over the use of such methods as waterboarding. Some say the methods helped get information that prevented terrorist attacks. Others, like John C. Gannon, a former C.I.A. deputy director, say it was a tragic mistake for the administration to approve such methods.

Mr. Gannon said he thought the tapes became such an issue because they would have settled the legal debate over the harsh methods.

"To a spectator it would look like torture," he said. "And torture is wrong."

Monday, December 31, 2007

WASHINGTON POST

OPINION:

George Smiley's War

By Donald Gregg
Monday, December 31, 2007; A15

Many years ago I was given the job of making the final payment to a foreign diplomat who had worked as a recruited agent for the CIA. With the man's retirement, his covert relationship with the agency was ending. The old agent was in an expansive mood when we met, and he told me how much he valued his work for the CIA, not just because it had paid for his children's educations. The information he had passed along about his country and resulting U.S. actions "had stopped us from doing all kinds of stupid things," he said.

Today, such a conversation would be unlikely for many reasons, chief among them the current reputations of the CIA and of the United States itself. Our bungling of intelligence assessments before the invasion of Iraq and our mismanagement of the occupation; our continued unwillingness to talk to those with whom we disagree; and other missteps, including the mishandling and destruction of detainee interrogation tapes, have shrouded the White House, the Pentagon and CIA headquarters in an aura of incompetence.

In the name of the "war on terror," we have abandoned the moral high ground on issues such as prisoner detention, torture and rendition. The Bush administration has become so obsessed by the Sept. 11 attacks that, as former deputy secretary of state Richard Armitage puts it, we are exporting fear, not hope.

The targets and primary requirements of intelligence agencies change with time. Today's targets are tougher and more dangerous than anything I had to deal with. I worked primarily against the Soviets and the Chinese, and violence was rare. Today's case officers put their lives on the line as they pursue al-Qaeda and other terrorist groups. The draconian positions taken by the Bush administration make case officers' lives harder, not easier. The nightmarish images from Abu Ghraib and Guantanamo are bitter obstacles to the development of dialogue with potential recruits and make the threat of capture by Muslim fanatics all the more horrendous.

TRANSCOM GHOST DOCS 124

Thursday, January 03, 2008

WASHINGTON POST

Criminal Probe on CIA Tapes Opened

Case Assigned to Career Prosecutor

By Dan Eggen and Joby Warrick
Washington Post Staff Writers
Thursday, January 3, 2008; A01

The Justice Department said yesterday that it has opened a formal criminal investigation into the CIA's destruction of interrogation tapes, appointing a career prosecutor to examine whether intelligence officials broke the law by destroying videos of exceptionally harsh questioning of terrorism suspects.

The criminal probe, announced by Attorney General Michael B. Mukasey, significantly escalates a preliminary inquiry into whether the CIA's actions constituted an obstruction of justice. Officials have said that some White House and Justice Department lawyers advised the CIA not to destroy the tapes, which contained information of interest to the attorneys of detainees and to a congressionally chartered panel examining the Sept. 11, 2001, terrorist attacks.

The decision opens the door to fresh scrutiny of the CIA's activities by the FBI, which clashed repeatedly with CIA field officers over the use of the harsh interrogation techniques and ultimately withdrew its own agents from interrogations to avoid entanglement in activities that senior FBI officials considered improper.

To oversee the probe, Mukasey appointed John Durham, a career federal prosecutor from Connecticut, bypassing the department's Washington headquarters and the local U.S. attorney's office in Alexandria, which recused itself from the case.

"Following a preliminary inquiry into the destruction by CIA personnel of videotapes of detainee interrogations, the Department's National Security Division has recommended, and I have concluded, that there is a basis for initiating a criminal investigation of this matter," Mukasey said in a statement. He cautioned that "the opening of an investigation does not mean that criminal charges will necessarily follow."

The department said on Dec. 8 that it began a preliminary inquiry after the CIA's disclosure that its officers had destroyed videotapes of the interrogations of two senior al-Qaeda suspects in 2002. The CIA said Jose Rodriguez Jr., then the agency's director of clandestine operations, ordered the tapes' destruction, acting out of what agency officials initially said was concern that CIA interrogators could be at risk of terrorist retaliation.

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* Some former CIA officials later said that the destruction, which came shortly after The Washington Post disclosed the existence of secret CIA interrogation sites in Europe and elsewhere, was also prompted by concern that the interrogators could be at risk of prosecution.

Mukasey's decision was supported by some members of Congress, which has launched its own investigation of the matter. But House Judiciary Committee Chairman John Conyers Jr. (D-Mich.) criticized the probe over its "limited scope" and advocated the appointment of "a more independent special counsel."

"Nothing less than a special counsel with a full investigative mandate will meet the tests of independence, transparency and completeness," Conyers said in a statement.

Durham, who will lead the probe, is second-in-command at the U.S. attorney's office in Connecticut but will serve as an acting U.S. attorney and report to Craig Morford, the acting deputy attorney general and a former career prosecutor. Mukasey described Durham as "a widely respected and experienced career prosecutor who has supervised a wide range of complex investigations in the past."

Durham is well known as a publicity-averse specialist in organized crime cases. Former attorney general Janet Reno named him as a special prosecutor in the investigation of allegations that FBI agents and police officers in Boston had ties to Mafia informants, resulting in the 2002 racketeering conviction of one of the FBI agents. He is a registered Republican, according to Connecticut voter records.

Mukasey did not indicate in his statement whether he or any of his aides will recuse themselves from the probe. Democratic lawmakers have urged him to do so because some Justice Department lawyers had advised the CIA not to destroy the tapes.

Leaders of the House and Senate intelligence committees vowed to continue their separate inquiries, including a hearing on Jan. 16 at which they plan to grill Rodriguez. Various committee members have accused the CIA of not properly informing them about how the tapes came to be made and, later, destroyed, despite CIA statements to the contrary.

"Those tapes may have been evidence of a crime, and their destruction may have been a crime in itself," said Sen. Edward M. Kennedy (D-Mass.) in a statement yesterday. Jamal D. Ware, a senior member of the Republican staff of the House intelligence committee, said he supports the criminal probe, "given the failure to keep Congress fully and currently informed of the existence and destruction of these tapes and the apparent attempt to mislead the public about what the committee knew of the matter."

The CIA issued a statement promising to "cooperate fully with this investigation," which senior officials had expected. "Everyone understood this would not end with the preliminary inquiry," said one U.S. official familiar with the agency's decision-making.

A former senior intelligence official saw some benefit in the decision to appoint someone from outside Washington to head the probe. "It's not a bad idea to try to depoliticize the investigation -- to insulate the department as much as possible from the kind of political turmoil we often see in this town," the former official said, referring to the Justice Department.

Several officials said that the FBI has not been deeply involved in the tapes probe and that the decision to pursue a full-scale investigation was made by senior Justice Department officials, based on a finding by prosecutors in the National Security Division that evidence suggests criminal violations may have occurred.

The precise reason for the finding and the names of those targeted by the probe could not be learned yesterday.

Although the tapes in question were not provided to any court or to the members of the government-appointed 9/11 Commission, they were evidently seen by CIA Inspector General John L. Helgerson, who disclosed in a statement yesterday that he plans to recuse himself from the criminal inquiry to avoid a conflict of interest.

Helgerson said he and his staff "reviewed the tapes at issue some years ago," when agency officials were debating whether to destroy them. "During the coming weeks I anticipate describing fully the actions I and my office took on this matter to investigators from the executive and legislative branches," Helgerson said.

A Justice Department official, who spoke about internal deliberations on the condition of anonymity, said the U.S. attorney's office in Alexandria had recused itself to "err on the side of caution." Several cases handled by that office, including the prosecution and conviction of al-Qaeda operative Zacarias Moussaoui, involved CIA interrogations, possibly including those that had been videotaped.

Staff writer John Solomon and staff researcher Julie Tate contributed to this report.

WASHINGTON POST

California Sues EPA Over Emissions Rules

15 Other States Back Effort to Win Waiver to Allow the Setting of Tougher Standards

By Keith B. Richburg
Washington Post Staff Writer
Thursday, January 3, 2008; A02

NEW YORK, Jan. 2 -- California, joined by 15 other states led by New York, sued the Environmental Protection Agency on Wednesday over its refusal to allow the state to set its own, tougher vehicle-emissions standards to control greenhouse gases and combat global warming.

between prosecutor and subject, Mr. Mukasey wisely turned to John H. Durham, a veteran prosecutor based in Connecticut with an impressive track record on tough cases. Mr. Durham has worked since 1982 as a federal prosecutor, earning plaudits from Republican and Democratic administrations alike. In 1999, he made headlines as the head of a massive corruption investigation into organized crime ties to the Boston police force that led, among other things, to the conviction of a former star FBI agent on charges that he helped protect Mafia figures.

Also yesterday, CIA Director Michael V. Hayden and Inspector General John L. Helgerson announced that they would recuse themselves from involvement in investigating the tapes' destruction. This was an appropriate step, particularly on the part of Mr. Helgerson, who has said he and his staff reviewed the tapes.

Numerous pitfalls remain. Congress is proceeding with its own investigations. While parallel congressional and executive branch investigations are not uncommon, they almost always present hazards. Congressional grants of immunity in exchange for testimony could undermine a criminal prosecution. Public testimony opens the door for witnesses to align their stories. In this case, the House intelligence committee has subpoenaed Jose A. Rodriguez Jr., the CIA official who reportedly authorized the tapes' destruction, for a Jan. 16 hearing. Congress without question has a legitimate oversight interest, but it should tread carefully so as not to damage a possible criminal prosecution. If a crime has been committed, those responsible should be held accountable.

In all likelihood, the Justice Department investigation will focus narrowly on whether the destruction of the tapes constituted a crime; it will probably not delve into whether the tapes depicted a crime, namely torture. Congress should continue to demand answers about the administration's past and current detention and interrogation policies. Lawmakers should also press ahead with legislation that would, once and for all, outlaw waterboarding and require all U.S. personnel to use only those interrogation techniques authorized by the Army Field Manual.

NEW YORK TIMES

January 3, 2008

Justice Dept. Sets Criminal Inquiry on C.I.A. Tapes

By MARK MAZZETTI and DAVID JOHNSTON

Page 1

WASHINGTON — Attorney General Michael B. Mukasey said Wednesday that the Justice Department had elevated its inquiry into the destruction of Central Intelligence Agency interrogation videotapes to a formal criminal investigation headed by a career federal prosecutor.

The announcement is the first indication that investigators have concluded on a preliminary basis that C.I.A. officers, possibly along with other government officials, may have committed criminal acts in their handling of the tapes, which recorded the interrogations in 2002 of two operatives with Al Qaeda and were destroyed in 2005.

* C.I.A. officials have for years feared becoming entangled in a criminal investigation involving alleged improprieties in secret counterterrorism programs. Now, the investigation and a probable grand jury inquiry will scrutinize the actions of some of the highest-ranking current and former officials at the agency.

The tapes were never provided to the courts or to the Sept. 11 commission, which had requested all C.I.A. documents related to Qaeda prisoners. The question of whether to destroy the tapes was for nearly three years the subject of deliberations among lawyers at the highest levels of the Bush administration.

Justice Department officials declined to specify what crimes might be under investigation, but government lawyers have said the inquiry will probably focus on whether the destruction of the tapes involved criminal obstruction of justice and related false-statement offenses.

Mr. Mukasey assigned John H. Durham, a veteran federal prosecutor from Connecticut, to lead the criminal inquiry in tandem with the Federal Bureau of Investigation. The appointment of a prosecutor from outside Washington was an unusual move, and it suggested that Mr. Mukasey wanted to give the investigation the appearance of an extra measure of independence, after complaints from lawmakers in both parties that Mr. Mukasey's predecessor, Alberto R. Gonzales, had allowed politics to influence the Justice Department's judgment.

Mr. Durham was not appointed as a special counsel in this case, a step sought by some Congressional Democrats. He will have less expansive authority than a special counsel and will report to the deputy attorney general rather than assume the powers of the attorney general, which he would have had as a special counsel.

Mr. Durham has spent years bringing cases against organized crime figures in Hartford and Boston. In legal circles he has the reputation of a tough, tight-lipped litigator who compiled a stellar track record against the mob.

A C.I.A. spokesman said that the agency would cooperate fully with the Justice Department investigation. Current and former officials have said that the C.I.A. official who ordered the destruction of the tapes in November 2005 was Jose A. Rodriguez Jr., who at the time was the head of the agency's clandestine branch.

The decision to start a full-scale criminal investigation into the matter came four weeks after the disclosure on Dec. 6 that the tapes had been created and then destroyed. The Justice Department and the C.I.A. opened a preliminary inquiry on Dec. 8, and Mr.

Mukasey said Wednesday that he had concluded from that review "that there is a basis for initiating a criminal investigation of this matter."

The chairmen of the House Intelligence Committee, Representative Silvestre Reyes, Democrat of Texas, and the Senate Intelligence Committee, Senator John D. Rockefeller IV, Democrat of West Virginia, welcomed Mr. Mukasey's announcement. But neither gave any indication he would defer to the criminal inquiry, and in separate statements they pledged to proceed with their committees' investigations into the destruction of the tapes.

John L. Helgerson, the C.I.A. inspector general who took part in the preliminary inquiry, said Wednesday that he would step aside from the criminal investigation to avoid any appearance of a conflict of interest.

Mr. Helgerson's office had reviewed the videotapes, documenting the interrogation of Abu Zubaydah and Abd al-Rahim al-Nashiri, as part of an investigation into the C.I.A.'s secret detention and interrogation program. Mr. Helgerson completed his investigation into the program in early 2004.

Among White House lawyers who took part in discussions between 2003 and 2005 about whether to destroy the tapes were Mr. Gonzales, when he was White House counsel; Harriet E. Miers, Mr. Gonzales's successor as counsel; David S. Addington, who was then counsel to Vice President Dick Cheney; and John B. Bellinger III, then the legal adviser to the National Security Council. It is unclear whether anyone outside the C.I.A. endorsed destroying the tapes.

The new Justice Department investigation is likely to last for months, possibly beyond the end of the Bush administration.

Mr. Durham is currently the top-ranking deputy in the United States attorney's office in Connecticut, supervising all major felony cases brought in the state.

In the late 1990s he was assigned as a special attorney in Boston leading an inquiry into allegations that F.B.I. agents and police officers had been compromised by mobsters.

In taking over the inquiry, Mr. Durham is expected to be able to move ahead without a long delay because his team will include Justice Department prosecutors who have already been working on the case. But at least in the beginning, it is likely to proceed more slowly than parallel investigations on Capitol Hill that are already well under way. Investigators from the House Intelligence Committee last month reviewed C.I.A. documents related to the destruction of the tapes, and the committee has called government witnesses to testify at a hearing scheduled for Jan. 16.

Mr. Mukasey pointedly did not designate Mr. Durham as a special counsel, in effect refusing to bow to pressure from Congressional Democrats to appoint an independent prosecutor with the same broad legal powers that were given to Patrick J. Fitzgerald, the

special counsel who was appointed in 2003 to lead the investigation into the disclosure of a C.I.A. officer's identity. That inquiry resulted in the perjury and obstruction prosecution of L. Lewis Libby Jr., formerly Mr. Cheney's chief of staff. After Mr. Libby's conviction, President Bush commuted his sentence.

Mr. Fitzgerald was appointed after the attorney general at the time, John Ashcroft, determined that his own relationship with officials under possible scrutiny in the leak case forced him to recuse himself from the investigation. As special counsel, Mr. Fitzgerald had the authority of the attorney general for the matters under investigation.

Mr. Durham will report to the deputy attorney general, an office being held temporarily by Craig S. Morford. Mr. Durham will have the powers of the United States attorney for the Eastern District of Virginia, a jurisdiction that includes C.I.A. headquarters. If a grand jury is convened as expected, it will meet in Alexandria, Va., where the prosecutor's office is located.

Mr. Mukasey said "in an abundance of caution" the office of United States attorney for the district, Chuck Rosenberg, had been recused from the case and would not take part in the inquiry. Mr. Rosenberg's office has investigated cases of detainee abuse by C.I.A. employees and contractors and has worked closely with the C.I.A. on counterterrorism and espionage cases.

Mr. Mukasey said the decision was made "to avoid any possible appearance of a conflict with other matters handled by that office." Appointments like Mr. Durham's are sometimes made in cases in which prosecutors like Mr. Rosenberg have recused themselves.

In an Op-Ed article in The New York Times on Wednesday, Thomas H. Kean and Lee H. Hamilton, the chairman and vice chairman of the Sept. 11 commission, said they believed that C.I.A. officials had deliberately withheld the tapes from the commission. They suggested that since the commission received its authority from both Congress and President Bush, any deliberate withholding of evidence might have violated federal law.

"Those who knew about those videotapes — and did not tell us about them — obstructed our investigation," they wrote.

NEW YORK TIMES

EDITORIAL:
January 3, 2008
Editorial

The Right Move on the C.I.A. Tapes

Page A22

TRANSCOM GHOST DOCS 131

The population growth rate is estimated to be 1.5 percent compared to an annual average of 2.6 percent between the years 1995 and 2000.

According to CBS figures, Israel's expected population growth rate is significantly higher than those of regions designated by the United Nations as "more developed" such as Europe, North American, Australia, New Zealand and Japan and lower than "less developed" regions such as Africa, Asia, Latin America and a number of Mediterranean nations.

CBS statistics also estimate the average number of births per woman in Israel will drop from 2.9 to 2.7. The average life span will increase by 2.6 years to 79.8 years for men and 83.8 years for women.

According to estimates, 543,000 new immigrants are expected to arrive in Israel during the concerned period. Some 340,000 people are expected to emigrate from Israel.

Citation: <http://www.haaretzdaily.com/hasen/spages/561397.html>

JORDAN TIMES

OPINION:

Hypocrisy and human rights

James J. Zogby

Tuesday, April 5, 2005

I briefly met Natan Sharansky about five years ago. We were sitting together at NBC TV waiting for our respective interviews. I wanted to speak with him. In fact, I had wanted to speak with him since the late 1980s.

I recalled, vividly, Sharansky's stance as a "prisoner of conscience" in the former Soviet Union, his celebrated release and, later, his arrival in Israel. I also remembered how, while at first silent about Israel's treatment of Palestinians, he finally spoke out in condemnation. And then, I recalled, how the Israeli establishment pounced on him and not only silenced this former human rights champion, but turned him into an apologist for Israeli policy.

Later, as Sharansky entered Israeli politics, he was allied with the right wing. He moved from silence in the face of violations of Palestinian human rights to being an advocate for these violations. Still later, as a minister in the government, he carried out these same violations.

I followed all this closely because I had hoped that Sharansky would have reacted differently. A friend, Dr Israel Shahak, himself a former child prisoner abused in Nazi

war camps, and later founder of the Israeli League for Civil and Human Rights, sent me frequent clippings from the Israeli press and reports on Sharansky's public activities.

Shahak was as disappointed as I was that Sharansky would not “measure human rights with one yardstick” — that he would be selective in his commitment.

And so I waited in the NBC holding room, until Sharansky had finished his phone call and then I approached him. We initially exchanged pleasantries, and then I told him how I had followed his career and how I had been disappointed by his submission to pressure. His voice, I told him, could have been so important, but he had lost his courage and had agreed to be silent.

He listened, and, at first, mumbled something to the effect that I didn't understand the “Palestinian threat”. Then he fell silent and looked away. In fact, as I recall, he made very little eye contact with me throughout the exchange.

I gingerly attempted to pursue the topic, but, with his head down and his eyes turned away, he made it clear there would be no further conversation. I have often wondered what his behaviour meant. Had I reached him and did he feel guilt? That was too much to hope for. Or, did he, realising that I was not a sycophant or part of his mesmerised following, decide that it was simply not useful to waste words on an “unbeliever”.

Over the years, when I've seen his name, I've thought of his hypocrisy. It troubled me that his forced “snap conversion on human rights” of the late 80s had been forgotten, his myopia ignored. But no more. In recent weeks, a flurry of sharp and tough critiques of Sharansky have been written by a variety of individuals appearing in a range of publications — from the right-wing American conservative and right-wing pro-Israel New York Sun to a critical assessment of all of this in the liberal Jewish weekly Forward. It appears that, at last, “the little hero” is getting knocked down to size.

Of course most Americans don't remember Sharansky's history as a “refusenik” or “prisoner of conscience”. They probably don't even remember the Soviet “gulags”. What they do know about Sharansky is that he has become the “darling” of the Bush administration. It has been reported that it was a long conversation Sharansky had with Vice President Dick Cheney that led to the administration's decision to isolate, ignore and seek the removal of Palestinian Authority President Yasser Arafat. And, more recently, it was after a long meeting in the White House between President George Bush and Sharansky that the president emerged to praise his book “The Case for Democracy”.

President Bush said: “I felt like his book just confirmed what I believe. He writes a heck of a lot better than I could write, and he's certainly got more credibility than I have...”

“Ay,” to borrow from Shakespeare, “there's the rub.” The point is, does Sharansky have credibility? The recent above-mentioned criticisms from the right and left appear to agree that because of his silence in the face of Israeli abuses of Palestinian human rights and denial of democratic rights to this occupied people he is not credible.

Now, there is an important lesson here, not only for Americans and Israelis, but for Arabs as well. For our commitment to human rights to be consistent and not hypocritical, it must be absolute. We, too, must measure human rights by one yardstick.

I recall in the 1980s there were two competing groups in California, one pro-Syrian Baath, the other pro-Iraqi. Each year they would issue separate human rights reports accusing the other of violations, while ignoring the violations sponsored by their regime. Neither was credible.

It is also not credible to complain about the US' use of torture or "secret detentions" or Israel's brutal treatment of Palestinian detainees, and not condemn similar practices when they are carried out by Arab governments.

Our goal must be to be consistent in the defence of rights. Or else, we are no better than, and no less hypocritical than, Sharanksy.

Citation: <http://www.jordantimes.com/Tue/opinion/opinion2.htm> (accessed Tuesday, April 05, 2005)

WEDNESDAY, APRIL 06, 2005

WASHINGTON POST

OPINION:

[washingtonpost.com](http://www.washingtonpost.com)

Future of the Past

By Harold Meyerson

Wednesday, April 6, 2005; Page A19

At first glance, it looked to be a triumph of the human spirit. There, at a joint news conference last week in Jerusalem, stood the patriarchs of the rival faiths of the Middle East -- Israel's chief rabbis, the deputy mufti of Jerusalem, leaders of the Catholic and Armenian churches -- Jews, Muslims and Christians, together at last.

And the cause that had united them? A gay pride festival scheduled for August in Jerusalem. The leaders of religious orthodoxy had come together to help ban the festival. Interreligious harmony reigned as historic enmities gave way to a common loathing of homosexuals.

We have seen the future of the past. The photograph of the clerics that ran in the newspapers may some day be viewed as an artifact of the founding of the Orthodox International. Globalization is bringing modernization and the demand for equality to the doorsteps of the most traditionalist societies and enclaves. Orthodox faiths are not accustomed to interreligious cooperation -- there is no God but their own, after all -- but in the threat of secularism, they find themselves with a common enemy and a range of common hatreds.

TRANSCOM GHOST DOCS 134

Judge Rejects Dismissal of Pro-Israel Lobbyists Case

By Jerry Markon
Washington Post Staff Writer
Friday, August 11, 2006; A05

A federal judge yesterday declined to throw out the criminal case against two pro-Israel lobbyists accused of violating the Espionage Act, denying their argument that the novel prosecution infringed on their constitutional right to free speech.

U.S. District Judge T.S. Ellis III rejected defense efforts to dismiss the indictments against Steven J. Rosen and Keith Weissman, former employees of the American Israel Public Affairs Committee, or AIPAC. They are charged in what the government calls a conspiracy to obtain classified information and pass it to members of the media and the Israeli government.

Ellis acknowledged that the case "implicates the core values of the 1st Amendment" and that lobbyists and others in Washington pass along information every day that is "indispensable to the healthy functioning of a representative government." But he said Rosen and Weissman -- and others outside the government -- can be prosecuted if the government feels they disclosed information harmful to national security.

The decision alarmed First Amendment advocates who were already concerned about the unprecedented nature of the case. The lobbyists are the first nongovernment civilians charged under the 1917 espionage statute with verbally receiving and transmitting national defense information.

"This decision is breathtaking. It is a bold new interpretation of the Espionage Act that expands its reach dramatically," said Steven Aftergood, director of the Project on Government Secrecy at the Federation of American Scientists.

As one basis for his decision, Ellis cited the landmark 1971 Pentagon Papers case, in which the U.S. Supreme Court allowed the New York Times, The Washington Post and others to publish a secret study of U.S. involvement in Vietnam. If the Nixon Administration had sought to prosecute the newspapers under the Espionage Act instead of blocking publication, Ellis said, "the result may have been different."

Legal and privacy experts said Ellis may have opened the door to criminal prosecutions of reporters or newspapers for publishing classified information. The possibility of such prosecutions has swirled around Washington since the New York Times broke a story last December about the National Security Agency's surveillance of terrorist-related calls between the United States and abroad.

Kate Martin, director for the Center for National Security Studies in Washington, said the ruling "gives the Justice Department the green light to prosecute reporters and investigate them as potential criminal actors and not simply as witnesses."

Federal prosecutors declined to comment yesterday. In court hearings on the defense motion to dismiss the case, they argued that allowing people to verbally disclose sensitive information could harm national security.

Attorney General Alberto R. Gonzales has suggested publicly that New York Times journalists could be prosecuted for the NSA stories, and federal authorities are investigating other possible leaks that led to reports about secret CIA prisons in The Post, law enforcement and intelligence officials have said.

A federal grand jury in the same Alexandria courthouse where Ellis released his decision is investigating unauthorized leaks of classified information, according to a subpoena recently disclosed by a fired NSA officer.

In a joint statement, attorneys for Rosen and Weissman said they were "disappointed, but not surprised" at Ellis's decision, given "the always long odds of having an indictment dismissed before trial."

They said they were encouraged that Ellis agreed with them that "the mere discussion of foreign policy information with officials of the United States and foreign governments by private citizens" is at the core of First Amendment free speech guarantees.

Rosen and Weissman were indicted last year in U.S. District Court in Alexandria on charges of conspiring to violate the Espionage Act by receiving national defense information and transmitting it to journalists and employees of the Israeli Embassy who were not entitled to receive it. The topics ranged from the activities of al-Qaeda to information about possible attacks on U.S. forces in Iraq, according to court documents.

Rosen, of Silver Spring, was AIPAC's director of foreign policy issues and was instrumental in making the committee a formidable political force in Washington. Weissman, of Bethesda, was a senior analyst. AIPAC fired the pair last year.

Lawrence A. Franklin, a former Pentagon analyst who pleaded guilty to passing government secrets to the two lobbyists, was sentenced to more than 12 years in prison this year.

The trial of Rosen and Weissman has been delayed several times because of the large amount of classified information involved in the case. No trial date is set.

WASHINGTON POST

UN Mideast deal close

TRANSCOM GHOST DOCS 136

Mr. Annan's first stop was Lebanon, where he saw the destruction in Beirut's suburbs and the ruins of villages in southern Lebanon. He reported with some sympathy the growing frustration of Fouad Siniora, the prime minister, over the blockade of his country. "When I spoke to Siniora the last time," Mr. Annan said in Amman, Jordan, "he said he's getting really fed up. You know he's getting one condition after the other, and he says, 'What I want is for somebody to give me a clear indication of what needs to be done.'"

Mr. Siniora received it on Wednesday in a six-point plan composed by Mr. Annan involving sequenced steps by naval forces from Britain, France, Germany, Greece and Italy. The plan, which was also presented to Mr. Olmert, provided the Israelis the assurances they needed. Two days later, the blockade ended.

It was likely the last major diplomatic journey for Mr. Annan, who won a Nobel Peace Prize during his first five-year term but who has become more accustomed in recent years to being criticized for mismanagement. He will leave office on Dec. 31. During the trip, he mused about how he had no weapons, no troops, only the power of dialogue. That set him apart from all the leaders he was talking to, in a region where brazen show of muscle is the normal persuader. It also illustrated a founding idea of the United Nations: that an organization with no national agenda can bring together countries with competing agendas.

"Individual nations have individual views and they convince themselves they are right and they are so sure of what they say, and they don't want to budge because they feel if they budge, they will lose face," Mr. Annan said in an interview aboard his plane on Wednesday night while departing Ankara, Turkey. "My job is to give them a ladder to climb down from the precipice."

TUESDAY, SEPTEMBER 12, 2006

WASHINGTON POST

Al-Qaeda Calls on Muslims To Fight in Lebanon, Israel

Video Urges a 'Jihad Base' to Help Palestinians

By Karen DeYoung
Washington Post Staff Writer
Tuesday, September 12, 2006; A17

Al-Qaeda marked the fifth anniversary of the Sept. 11, 2001, attacks with a call for Muslims throughout the world to violently oppose the international peacekeeping force gathering in southern Lebanon and position themselves for direct assaults against Israel and Persian Gulf governments.

TRANSCOM GHOST DOCS 137

In a lengthy video posted on Islamic Web sites late Sunday, al-Qaeda's second-in-command, Ayman al-Zawahiri, described last month's U.N.-authored cease-fire between Israel and the Hezbollah militia in Lebanon as a Western plot to separate and isolate "the mujaheddin in Palestine . . . from the Muslims in Lebanon."

The Lebanon crisis, Zawahiri said, was a subset of the primary issue of Israel and its occupation of Palestinian territories. Every "sincere Muslim," he said, should "hurry" to southern Lebanon to aid in setting up "a jihad base on the borders of Palestine to connect" with those on the inside.

His comments reflected an ongoing al-Qaeda effort to position itself as the vanguard of the Palestinian fight against Israel and to capitalize on the outrage the conflict generates in the Muslim world.

Zawahiri's 76-minute video, aired in part yesterday by the al-Jazeera satellite television network and CNN, was one of several released before the anniversary. Titled "Hot Issues," it showed Zawahiri, in a white robe and a turban, sitting in front of a bookcase stocked with volumes in Arabic.

Earlier Sunday, al-Qaeda posted a 90-minute documentary, titled "Knowledge is for Acting Upon." Subtitled in English and narrated by an unknown figure, it was a history of al-Qaeda grievances against the West, including the establishment of the state of Israel in 1948, the alleged desire of the West to occupy Arab lands in pursuit of oil and the stationing of U.S. troops in the Persian Gulf region.

The video combined old footage of al-Qaeda leader Osama bin Laden with previously unseen video, including images of Sept. 11 hijackers Hamza Alghamdi and Wail M. Alshehri reading portions of their wills and of bin Laden apparently consulting with his commanders before the 2001 attacks.

It also showed bin Laden, dressed in a dark robe, sitting with Muhammad Atef, a senior al-Qaeda figure who was killed in Afghanistan, and Ramzi Binalshibh, who helped facilitate the attacks and was captured four years ago in Pakistan. Binalshibh is among those President Bush said last week had been transferred from secret prisons to the U.S. detention facility at Guantanamo Bay, Cuba.

Although bin Laden has recorded frequent audiotapes -- the most recent one was released July 1 -- his last known appearance on video was in October 2004. Both he and Zawahiri are believed to be hiding in the mountainous region along the border between Afghanistan and Pakistan.

The Zawahiri video, translated by the Washington-based SITE Institute, was done as an interview conducted by an unseen questioner. In addition to calling on Muslims not to recognize the cease-fire agreement in Lebanon, Zawahiri:

· Described the government of Iraq as being made up of "traitors and charlatans" who had lost their place in the afterlife by cooperating with U.S. forces. He called on Iraqi Kurds to stop cooperating with it.

· Cited the "good news" that al-Qaeda had joined in a formal alliance with the Algeria-based Salafist Group for Preaching and Combat. U.S. intelligence officials confirmed the alliance, which they said had been "in the works for months."

· Repeated long-standing denunciations of governments in Turkey, Egypt, Jordan and elsewhere in the Middle East.

· Called NATO forces in Afghanistan "second-rate crusaders" who had been shoved into the line of fire by withdrawing U.S. forces.

· Invited "all victims of America," including non-Muslims, to "take advantage of the opportunity" offered by the Islamic campaign and U.S. weakness as a result of the wars in Afghanistan and Iraq "to ward off America's aggression against them and overcome it, each in his own way, and under his own banner and with whatever means."

Zawahiri claimed that U.S. defeat in Iraq is near and that "jihadi reinforcements" are closing in on Israel. He warned "Western peoples" that "your leaders are hiding from you the true extent of the disaster which will shock you, and the days are pregnant and giving birth to new events."

WASHINGTON POST

Abbas Announces Deal With Hamas

Rival Palestinian Movements Agree to Work Together to Create Unity Government

By Scott Wilson
Washington Post Foreign Service
Tuesday, September 12, 2006; A18

JERUSALEM, Sept. 11 -- Palestinian leader Mahmoud Abbas announced Monday that the governing Hamas movement and his rival Fatah party have agreed on the principles of a power-sharing government and may soon form a new cabinet to lead the beleaguered Palestinian Authority.

Under the plan, Abbas, the authority's president, is to dissolve the current Hamas-led cabinet within 48 hours. Abbas would then nominate the current Hamas prime minister, Ismail Haniyeh, Hamas officials said, to assemble a coalition cabinet that would include members of his party, Fatah, other factions, and so-called technocrats unaligned with the leading movements.

This latest in a seemingly endless series of conflagrations in the region just may present a unique opportunity to change the situation in the Middle East for the better for all time. Let us not shrink from the task.

The writer was national security adviser to Presidents Gerald Ford and George H.W. Bush. He is now president of the Forum for International Policy.

WASHINGTON POST

OPINION:

Washington Post
July 30, 2006
Pg. B7

Spy Lessons From Israel

By Jim Hoagland

Israel has been forced to improvise furiously on the battlefield after discovering how much it did not know about the fighters and the strategic arsenal that Hezbollah had amassed in southern Lebanon. Americans should watch closely what will happen in Israel once the smoke of this battle clears.

What will happen will be a thorough and bureaucratically impartial inquiry into the causes of this intelligence failure -- an inquiry of the kind that the United States seems unable to produce even in the wake of Sept. 11, 2001, or the calamitous failure of U.S. occupation troops and spies to secure Iraq in the wake of the 2003 invasion.

The prediction about Israel is not based on insider information. It is based on history and on culture. Searing investigations that fixed responsibility at the top and brought dismissals and resignations of politicians, generals and intelligence officials followed the surprise attack on Israel by Egypt and Syria in 1973 and the debacle of the Israeli invasion of Lebanon in 1982.

Israelis take intelligence deadly seriously. For them, it is a tool of survival. They cannot afford to be as forgiving, or as ambivalent, as Americans tend to be about espionage, a trade that in its very essence runs counter to American ideals of a fair and open society based on the rule of law.

While Americans debate whether CIA renditions and National Security Agency eavesdropping violate the law -- a vital and necessary question to be asked in this country -- Israelis demand to know why their spies have been ineffective and then relentlessly examine how to fix the problems. The U.S. system of checks and balances has created a misleading veneer of intelligence oversight by Congress and by the occasional, politically

balanced blue-ribbon commission. That veneer serves to obscure rather than fix responsibility for ineffectiveness.

The intelligence failures by the Israelis in Lebanon and by the Americans in Iraq are separate but related. They stem from the incomplete transformation of espionage establishments originally shaped by the demands of large-unit conventional warfare. The loose-jointed networks of terrorist groups and insurgents who hide and fight and then hide again among civilian populations are much harder to find and destroy than were Soviet or Egyptian bombers parked on airstrips.

The appalling widespread collateral damage from Israeli air raids -- including the killing of four U.N. observers -- is one sign of the faulty "battlefield" intelligence. So is the Israeli shock at one of its warships being hit by an Iranian-supplied C802 radar-guided anti-ship missile that the Israelis did not suspect Hezbollah had.

The surprising extent and depth of the fortifications and of the long-range rocket force assembled by the Lebanese Shiite group just across Israel's northern frontier have forced Israel to alter the scope and thrust of its original attack scenario. "What we found showed that the Lebanese government and army would never be able to handle this problem by themselves, as we hoped," one Israeli official told me.

So Israel has committed ground troops, vowed to establish a one-mile-deep security strip inside Lebanon and endorsed an international military stabilization force to be created under a U.N. mandate. None of this was in the original attack plan to retaliate against Hezbollah's killing and kidnapping of Israeli troops inside Israel.

American intelligence has done no better at predicting the course or strength of Iraq's insurgency and the sectarian warfare that the insurgents have deliberately fanned between Iraq's Shiites and Sunnis. Months of Bush administration happy talk about a government of national unity based on Sunni inclusion led not to a reduction of violence that was predicted but to a sharp spike in Iraqi deaths and destruction instead.

The Vietnamese adopted a strategy to "talk and fight" to wear down American resolve. Iraq's Sunni extremists seem to have decided to "vote and fight." The distrustful Shiite majority is striking back, even as both groups participate in the "unity" government and the parliament. American forces, given only spotty information by the CIA-run Iraqi intelligence service, remain largely clueless about identifying and separating good guys and bad guys on the ground, as Iraqi officials suggested in a meeting here last week with National Intelligence Director John Negroponte.

Reforming intelligence operations to meet the new challenges of the "long war" on terrorism is a vast and difficult task that Negroponte has only recently begun. He and his congressional overseers must be ready to be brutally honest about intelligence failure and honestly brutal in correcting it. Israel's history, and its future, speak to how that can be done.

Manfredo's son, Héctor, 7 years old at the time, taped one of the ads directed to Gen. Alvarez and the army. The boy's words: "General, my father is Manfredo. He was detained by members of your Army. Please release him. I want to have Christmas with my father."

Zenaida pleaded with the U.S. Embassy for a meeting to inquire about her brother, to ask for an investigation. Ambassador Negroponete agreed to see her.

"Finally, he received us, some family members and families of others who had disappeared as well. He denied completely any knowledge of what was going on. But we knew every day he was meeting with the chief of the army, Alvarez. Honduras is a very small country."

She catches herself, then goes on: "You know what? He doesn't even look you in the eye. We were crying and desperate. I wanted to call him a liar. It was hard."

Next Stop, Baghdad

At the end of his confirmation hearing in April, Negroponete rose and shook hands all around. A couple of his daughters were in attendance, along with his wife. Family friends and well-wishers hovered. Then Negroponete turned, swinging his umbrella in one hand and, in the other, his lovely brown leather briefcase. Heading for the door, bound for Iraq. He glided right by Andres Thomas Conteris, back inside the room now, glowering in silence, the bearded man who had yelled, who had come to represent the ghosts, the dead, the missing.

EDITORIAL:
[washingtonpost.com](http://www.washingtonpost.com)

Torture Policy (cont'd)

Monday, June 21, 2004; Page A18

SECRETARY OF DEFENSE Donald H. Rumsfeld expressed dismay on Thursday about editorials in which "the implication is that the United States government has, in one way or another, ordered, authorized, permitted, tolerated torture." Such reports, he said, raised questions among U.S. troops in Iraq, reduced the willingness of people in Iraq and Afghanistan to cooperate with the United States, and could be used by others as an excuse to torture U.S. soldiers or civilians. This was wrong, he said, because "I have not seen anything that suggests that a senior civilian or military official of the United States of America . . . could be characterized as ordering or authorizing or permitting torture or acts that are inconsistent with our international treaty obligations or our laws or our values as a country."

Since Mr. Rumsfeld referred directly to The Post, we believe we owe him a response. We agree that the country is at war and that we all must weigh our words accordingly. We also agree that the consequences of the revelations of prisoner abuse are grave. As supporters of the missions in Iraq and Afghanistan, we have been particularly concerned about the ways that the scandal -- and the administration's continuing failure to come to terms with it -- could undermine the chances for success. We also have warned about the uses that might be made of it by captors of Americans. What strikes us as extraordinary is that Mr. Rumsfeld would suggest that this damage would be caused by newspaper editorials rather than by his own actions and decisions and those of other senior administration officials.

What might lead us to describe Mr. Rumsfeld or some other senior civilian or military official as "ordering or authorizing or permitting" torture or violation of international treaties and U.S. law? We could start with Mr. Rumsfeld's own admission during the same news conference that he had personally approved the detention of several prisoners in Iraq without registering them with the International Committee of the Red Cross. This creation of "ghost prisoners" was described by Maj. Gen. Antonio M. Taguba, who investigated abuses at Abu Ghraib prison as "deceptive, contrary to Army doctrine and in violation of international law." Failure to promptly register detainees with the Red Cross is an unambiguous breach of the Fourth Geneva Convention; Mr. Rumsfeld said that he approved such action on several occasions at the request of another senior official, CIA Director George J. Tenet.

Did senior officials order torture? We know of two relevant cases so far. One was Mr. Rumsfeld's December 2002 authorization of the use of techniques including hooding, nudity, stress positions, "fear of dogs" and physical contact with prisoners at the Guantanamo Bay base. A second was the distribution in September 2003 by the office of the top U.S. commander in Iraq, Lt. Gen. Ricardo S. Sanchez, of an interrogation policy that included these techniques as well as others, among them sleep and dietary manipulation. In both cases lawyers inside the military objected that the policies would lead to violations of international law, including the convention banning torture. Both were eventually modified, but not before they were used for the handling of prisoners. In the case of the Abu Ghraib prison, the policy apparently remained in effect for months.

Did senior officials "permit" torture? A Pentagon-led task force concluded in March 2003, with the support of the Justice Department, that the president was authorized to order torture as part of his war-making powers and that those who followed his orders could be immunized from punishment. Dictators who wish to justify torture, and those who would mistreat Americans, have no need to read our editorials: They can download from the Internet the 50-page legal brief issued by Mr. Rumsfeld's chief counsel.

The damage caused by the prisoner abuse cases is already enormous, and it is not over. We believe there is a way to mitigate and eventually overcome the debacle, but it is not by asking newspapers to go mute. What is needed is a full and independent investigation of the matter, including the decisions made by Mr. Rumsfeld and other senior officials, and a forthright and unambiguous commitment by President Bush to strictly observe U.S.

and international law in the future. That pledge should be accompanied by a return to the public disclosure of U.S. interrogation policies. If U.S. soldiers, Iraqi citizens and foreign leaders can see for themselves that American doctrine excludes illegal abuse, then the dangers Mr. Rumsfeld cited will be greatly lessened.

NEW YORK TIMES

June 21, 2004

SECURITY

Iraq Government Considers Using Emergency Rule

By DEXTER FILKINS and SOMINI SENGUPTA

BAGHDAD, Iraq, June 21 — Faced with violent resistance even before it has assumed power, Iraq's newly appointed government is considering imposing a state of emergency that could involve curfews and a ban on public demonstrations, Iraqi officials said Sunday.

In his first news briefing here, Prime Minister Iyad Allawi offered no details of what emergency rule might include, only that a committee of cabinet members had been appointed to consider the issue.

Dr. Allawi, who worked closely with the Central Intelligence Agency in opposing Saddam Hussein's government in the 1990's, said he would consider "human rights principles and international law," but made clear that he intended to act quickly and forcefully against the insurgency, using extraordinary methods if necessary.

"We will do all we can to strike against enemy forces aiming at harming our country, and we will not stand by with our hands tied," Dr. Allawi said. "The Iraqi people are determined to establish a democratic government that provides freedom and equal rights for all its citizens. We are prepared to fight and, if necessary, die for the cause."

Among the places where such measures could be applied include the city of Falluja, where United States forces have been battling guerrilla fighters for several weeks, and Sadr City, the restive eastern slum in Baghdad, where three Iraqis were killed Sunday in confrontations with the First Infantry Division.

Among the emergency rule provisions being considered are a curfew, a ban on public demonstrations, checkpoints to control public movement and changes to search and seizure laws, two cabinet members said in separate interviews on Sunday evening.

As the transfer of sovereignty approaches, insurgents have stepped up attacks on interim government officials and security forces.

"Iraqi people are horrible," she said. "They don't love anyone. I don't know what they need. They are very complicated. I liked Americans very much, but after Abu Ghraib, I don't know. The Americans are repeating the same deeds."

What she really wants, she said, is simply to leave Iraq and join her mother, who lives in neighboring Jordan.

She struggled against strong feelings, almost crying. "I can't live in this place any more," she said.

U.S. News & World Report
June 28, 2004

Iraq's Invisible Man

A 'ghost' inmate's strange life behind bars

By Edward T. Pound

At a briefing last week, Defense Secretary Donald Rumsfeld was asked if there was a plan to hide a Middle Eastern terrorist, held secretly in a military jail in Iraq, from international Red Cross inspectors. Standing on the podium, he responded: "Not on my part." But a classified order, issued at his behest by the top military commander in Iraq, tells a different story: "Notification of the presence and or status of the detainee to the International Committee of the Red Cross, or any international or national aid organization, is prohibited pending further guidance."

The Pentagon and the CIA are the major players in the affair of the suspected terrorist known as "Triple X." Rumsfeld said he ordered that the man be held in secret, based on a request from CIA Director George Tenet. Triple X has been held in a guarded room at the High Value Detainee facility near Baghdad since November. In that time, his name was never entered in the official roster of detainees, meaning the Red Cross wouldn't have known he was there. The Geneva Conventions require the United States and other countries to give the Red Cross access to detainees, although restrictions are permissible for military reasons. Officials say the military is in the process of recording Triple X in the books. Rumsfeld says the prisoner "has been treated humanely."

The practice of hiding prisoners--so-called ghost detainees--was sharply criticized by Maj. Gen. Antonio Taguba in a recent report detailing Army abuses of prisoners at the Abu Ghraib prison near Baghdad. He described it as "deceptive, contrary to Army doctrine, and in violation of international law."

"No altar boy." Triple X's status as a ghost was first disclosed by U.S. News. Pentagon and intelligence officials identified him as a high-ranking member of Ansar al-Islam, an Iraqi terrorist group with links to Abu Musab Zarqawi, who is believed to be responsible for beheading American Nicholas Berg and for attacks on coalition forces.

The CIA has declined to say why Tenet wanted Triple X kept off the books. An American intelligence official says the man--identified by other sources as Hiwa Abdul Rahman Rashul--was arrested by the Kurdish military last summer. For months, the CIA interrogated Rashul at an undisclosed location, officials say, and he provided information on Ansar al-Islam's structure and training. "This guy was no altar boy," the intelligence official says. The man, he adds, was involved in planning terrorist attacks in Iraq and elsewhere.

Rashul was returned to Iraq on October 29. On November 18, Lt. Gen. Ricardo Sanchez, the top U.S. commander in Iraq, issued a classified order directing guards with the 800th Military Police Brigade to hide Rashul. The order was coded "Flash Red," meaning, says one military source, that it was "hot." It says that Sanchez's command "accepts custody and detains Hiwa Abdul Rahman Rashul, a high-ranking Ansar al-Islam member." The order required extraordinary secrecy. Rashul's name could not be disclosed to the Red Cross or to a foreign government. It prohibited the Army from entering Rashul's name in any electronic prisoner database.

Other requirements of the order include:

Rashul will "remain segregated and isolated from the remainder of the detainee population. Under no circumstances will his presence be made known to the detainee population . . . "

"Only military personnel and debriefers will have access to the detainee. . . . Knowledge of the presence of this detainee will be strictly limited on a need-to-know basis."

"Any reports from interrogations or debriefings will contain only the minimum amount of source information No source reference will be made to identify [Rashul's] status, membership in Ansar al-Islam, or other terrorist group."

Despite all this secrecy, Rashul has been interrogated only once--and then only briefly, a Pentagon official says. Even though her brigade was responsible for holding the man, Brig. Gen. Janis Karpinski says, she's puzzled by the way he was handled. "It was bizarre," she says. "He had been there a long time, and nobody was coming to see him, interrogate him." At one point, she asked Sanchez's legal staff for guidance "on what to do with him." But when her deployment ended and she returned to the States in February, Karpinski says, "he was still sitting there."

Time
June 28, 2004

Notebook

New Abuse Charges

Allegations of mistreatment of female detainees

The final challenge in the run-up to Iraqi sovereignty has been the selection of an interim government. This process was jointly managed by U.N. special representative Lakhdar Brahimi, Bush National Security Council official Robert Blackwill and U.S. occupation chief L. Paul Bremer.

In choosing an interim president, the three "B's" in Baghdad forwarded to Washington the names of two Sunnis on the Governing Council: Adnan Pachachi and Ghazi Yawar. The White House responded that either was acceptable. Hoping to boost Yawar's popularity with Iraqis by distancing him from Washington, his supporters leaked to American journalists a false report that Bush had decided on Pachachi. In fact, it was Brahimi who wanted Pachachi. When the 80-year-old Pachachi turned the job down, it went to Yawar by default.

Ayad Allawi became prime minister somewhat by default, too, the official said. Washington was enthusiastic about Brahimi's first choice, a Shiite nuclear scientist named Hussain Shabristani, and found nothing in his past that would disqualify him. But he was little known in Iraq, had no support within the Governing Council and thus failed the "market test," the U.S. official said.

Allawi seemed the strongest alternative Shiite candidate, the official said, because he had support among Sunnis and Kurds and the endorsement of Sistani. Three senior members of the Governing Council backed Allawi, and when the council as a whole was informed that he was the choice, some members falsely claimed they had elected him.

The Iraq transition has been a haphazard, stop-and-go affair. Because of poor planning and missed opportunities, Washington had to throw away its playbook. The chief U.S. accomplishment may be the simple fact that in just over a week, Allawi will be in charge, not Saddam Hussein.

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NEW YORK TIMES

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DETAINEE TREATMENT

Rules on Prisoners Seen as Sending Mixed Messages to G.I.'s

By DOUGLAS JEHL

The following article was reported by Douglas Jehl, Eric Schmitt and Kate Zernike and was written by Mr. Jehl.

TRANSCOM GHOST DOCS 147

WASHINGTON, June 21 — Since the Sept. 11 attacks, the Bush administration's new rules governing treatment of foreign prisoners have been contradictory and have sent mixed messages to American soldiers, according to military personnel and documents.

Six investigations are under way into abuses of detainees; none are expected to produce any conclusions soon. A close review of recently disclosed documents and interviews with soldiers, officers and government officials find a broader pattern of misconduct and knowledge about it stretching into the middle chain of command. But there is no clear evidence to date that the highest military or civilian leaders ordered or authorized the mistreatment of prisoners at American-run prisons in Iraq, Afghanistan and Guantánamo Bay, Cuba.

Still, the ever-shifting rules, in which lists of accepted interrogation tactics were widened drastically before being reined in over 17 crucial months, helped foster a climate in which abuse could flourish.

Starting with the 17 interrogation techniques approved in a standard Army manual, commanders at the Guantánamo prison doubled the permitted methods by late 2002, before shrinking the list. In Iraq last fall, directives on treatment of prisoners were changed at least three times in six weeks. Some of the procedures authorized in Iraq had been banned as too harsh months earlier at Guantánamo.

Some officers skirted international treaties governing prisoner treatment, some soldiers have said, instructing subordinates to hide detainees from monitors sent by the International Committee of the Red Cross. In one instance, Defense Secretary Donald H. Rumsfeld approved an order to hold a suspected Iraqi terrorist but to keep his name off the prison rolls, effectively shielding the "ghost detainee" from Red Cross inspectors.

Lacking clear guidance, soldiers at various jails were apparently confused about the rules. In Iraq, some guards were such sticklers that they demanded paperwork to take away detainees' blankets, while others did not understand that they needed written authorization to intimidate prisoners with dogs.

Many guards at the Abu Ghraib prison in Iraq said they had been told by intelligence officers to "soften up" detainees, but some thought that meant making them do calisthenics to tire them out, while others took it to mean forcing them to crawl naked on leashes for hours.

Beatings were accepted enough at Abu Ghraib that some soldiers recorded the number of stitches their victims required with tack marks on the wall. In the worst cases in Afghanistan and Iraq, abuse resulted in deaths, including 10 cases now being investigated as homicides.

While President Bush has portrayed the events at Abu Ghraib as the actions of just a few soldiers at one prison, the picture emerging from documents, interviews and

Congressional testimony points to a broader pattern of misconduct and knowledge about it stretching up the chain of command.

While the mistreatment did not go entirely unnoticed, many soldiers who had hints of the abuse did not report it. In a chaotic environment in the midst of a war, some soldiers said later, they assumed it must have been authorized.

"It was confusing the way the place was run," Sgt. Samuel Jefferson Provance III, who worked in interrogations at Abu Ghraib as part of the 302nd Military Intelligence Battalion, testified at a military hearing last month. "It was a shocking experience."

For military officials at the highest levels, the administration's fight against terrorism was a new kind of war. As Gen. James T. Hill, head of the military's Southern Command, said, describing the government's post-Sept. 11 effort to rewrite longstanding practices about prisoner treatment, "we really were moving into uncharted waters."

Geneva Rules Didn't Apply

Soon after the attacks of Sept. 11, 2001, as planning began for the invasion of Afghanistan, the Pentagon asked Justice Department lawyers to assess whether detainees held in Afghanistan or in the new American-run prison at Guantánamo Bay could claim they had been mistreated under the Geneva Conventions and federal and international laws.

The lawyers concluded that the Geneva Conventions did not apply, because Guantánamo was outside the territorial United States, and because Al Qaeda and the Taliban were not legitimate states, so were not parties to the agreements. One memorandum argued that the president could authorize even "cruel, inhuman, and degrading" treatment to protect national security, as long as it did not cause "great suffering or serious bodily injury" to detainees, like "killing or torturing them."

Secretary of State Colin L. Powell and State Department lawyers fired back objections, but apparently lost. An August 2002 memo on interrogation standards from the Justice Department to the White House counsel further whittled down the definition of torture. To qualify, the document said, mistreatment had to inflict pain "equivalent in intensity to the pain accompanying serious physical injury, such as organ failure, impairment of bodily function, or even death."

Military officials have described those legal arguments as theoretical and removed from the decision making about rules for interrogation and treatment of prisoners.

But first in Guantánamo and Afghanistan, and then in Iraq, commanders authorized procedures harsher than those spelled out in the Army's interrogations field manual. The 17 general techniques, like manipulating a prisoner's emotions or persuading the prisoner that it was futile to resist, formed a boundary that the American military had heeded in the recent past.

Like the legal memorandums, the decision to go beyond the field manual was based on the ground that the Geneva Conventions did not apply. For prisoners in Iraq, the reasoning was that the protections were not as restrictive as previously interpreted by the United States.

Harsher Procedures Added

At Guantánamo, the first clear widening of authority came in December 2002, when commanders asked the Pentagon for more latitude in interrogating a Saudi Arabian prisoner believed to be the planned 20th hijacker of Sept. 11.

The authorities thought the man, Mohamed al-Kahtani, had information about possible future attacks, but he had resisted standard interrogation techniques.

In response, Mr. Rumsfeld authorized at least 17 new procedures beyond those in the field manual, a senior Pentagon official said. They applied to all Guantánamo prisoners.

Those harsher techniques included hooding; exploiting a prisoner's phobias, sometimes using muzzled dogs in interrogations; removing some of a detainee's clothing; and the use of "minimum physical contact" like poking or grabbing.

Even though these harsher techniques were approved, senior military officials said last week that those four specific practices were never used at Guantánamo. Still, interrogators at the site and military lawyers in Washington objected. Just over a month later, Mr. Rumsfeld ordered a group of military lawyers, intelligence analysts and policy makers to review the rules.

On April 16, 2003, Mr. Rumsfeld narrowed the list of approved techniques. He permitted 24 methods at Guantánamo, including 17 from the Army manual, but stipulated that 4 of them required his explicit approval. They involved using incentives to cooperate, like offering hot showers in the winter, segregation for more than 30 days, good-cop-bad-cop interrogation and an approach called "pride and ego down," which exploits a prisoner's loyalty, intelligence or perceived weakness.

Defense officials said those more aggressive techniques had been used with only two prisoners at Guantánamo and did not constitute torture.

In Iraq, there had been no formal interrogation rules in place beyond those in the Army manual until late August 2003.

Then, officers at Abu Ghraib sought to give interrogators more freedom and proposed a set of rules drafted by an Army unit that had recently arrived from Afghanistan. The unit, the 519th Military Intelligence Battalion, had a questionable record. Two prisoners under its supervision at Bagram Collection Point in Afghanistan died in December 2002, apparently in homicides that are still being reviewed by criminal investigators.

The battalion's commander, Capt. Carolyn A. Wood, proposed 30 interrogation techniques, and two lawyers working for Lt. Gen. Ricardo S. Sanchez, the ground commander in Iraq, approved them. Defense officials have refused to say exactly what procedures were authorized under the proposal or under later directives put into effect in Iraq. A senior Pentagon official said last week that it was unclear whether those additional techniques had ever been used in interrogations.

Wider, Then Narrower Policy

Meanwhile, another crucial chain of events had already been set in motion. Stephen A. Cambone, Mr. Rumsfeld's top intelligence official, encouraged Maj. Gen. Geoffrey D. Miller, then the head of detention operations at Guantánamo, to visit Iraq to find ways to improve the quality of intelligence extracted from detainees about the growing anti-American insurgency.

On Sept. 9, General Miller completed a review of operations in Iraq and recommended a detainee interrogation policy that borrowed heavily from the procedures approved for Guantánamo. He proposed establishing a new interrogation and debriefing center and ensuring that military police officers were assigned to help set the conditions for questioning.

On Sept. 14, General Sanchez authorized variations on what General Miller had recommended. Those rules allowed the use of harsh procedures banned from Guantánamo, including using sleep deprivation, to as little as four hours' rest each 24 hours, and making prisoners stand or crouch in positions for up to an hour, according to Senate aides who have read the confidential document.

As in Guantánamo, the policy ignited a debate among military lawyers, with particular objections coming from the Central Command.

So on Oct. 12, General Sanchez issued a much narrower policy. Most of the harsher methods automatically authorized in the earlier directive, like segregating a prisoner for more than 30 days, would not be permitted without the general's approval.

According to General Sanchez's top lawyer, Col. Marc Warren, the new procedures were consistent with the Geneva Conventions. But the policy still allowed interrogators to improvise if they received approval, according to a senior military official who briefed reporters at the Pentagon last month.

It remains unclear whether the changes were communicated through the ranks of interrogators and guards, particularly those at Abu Ghraib. Rules posted on the wall in the prison's Joint Interrogation and Debriefing Center, for example, were apparently outdated.

Some troubling practices were clearly tolerated, soldiers said in interviews and sworn statements. Forced nudity was common in the prison's highest-security area, or "hard

site," overseen by military intelligence officers. One interrogator told investigators that he "generally" threw tables around a room holding detainees, while another said she did not regard slapping a detainee as abusive.

Several soldiers said in interviews that Lt. Col. Steven L. Jordan, who was in charge of the interrogation center, had handcuffed and hooded detainees who had been beaten and had hidden them in a cell during a Red Cross visit. Others said Col. Thomas M. Pappas, the highest-ranking military intelligence officer at the prison, had permitted them to intimidate detainees with dogs. None of the dog handlers have been charged with wrongdoing, and two of them have said they were following orders from Colonel Pappas.

By the accounts of the seven soldiers now charged, the abuses seen in the notorious photographs from the prison began as an attempt to encourage prisoners to talk.

Pfc. Lynndie R. England, telling investigators last month about what was going on in prison photographs, said making prisoners crawl with leashes was intended as a "humiliation tactic" to get them to tell more about the rape of an Iraqi boy.

But several of the soldiers charged said later acts depicted in photographs, like piling prisoners naked or forcing them to masturbate, had nothing to do with interrogations. "We thought it looked funny, so pictures were taken," Private England told investigators.

Senior Army officers in Baghdad say they did not learn about those abuses until a soldier came forward in January. But several senior Army officers knew by last November that the Red Cross had complained about problems at the prison, including forced nudity and physical and verbal abuse of prisoners.

Among those aware of the concerns were General Sanchez's top deputy, Maj. Gen. Walter Wojdakowski; his intelligence officer, Maj. Gen. Barbara G. Fast; and his top lawyer, Colonel Warren. In addition, a small unit inside the prison began reporting beatings and other abuses last fall in documents sent to military lawyers in Baghdad and a review board of colonels, according to military intelligence officers.

The role played by General Sanchez remains a particular focus of investigators. He authorized interrogation procedures in September that he banned 28 days later, and he visited Abu Ghraib at least three times in October, when the worse of the abuses occurred. He has said he did not learn of the incidents until January.

Last month, in response to growing concerns in Congress, General Sanchez narrowed the interrogation rules in Iraq once again, barring virtually all coercive tactics.

In early June, the general removed himself as the officer overseeing an inquiry into the role of military intelligence soldiers in the prisoner abuse, clearing the way for an Army general to interview him for the investigation.

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June 23, 2004

INMATES

White House Says Prisoner Policy Set Humane Tone

By RICHARD W. STEVENSON

WASHINGTON, June 22 — In a February 2002 directive that set new rules for handling prisoners captured in Afghanistan, President Bush broadly cited the need for "new thinking in the law of war." He ordered that all people detained as part of the fight against terrorism should be treated humanely even if the United States considered them not to be protected by the Geneva Conventions, the White House said Tuesday.

That statement of principle, which has been described publicly but never before released in its entirety, came at a time of intense debate within the Bush administration over how far the military and the intelligence agencies could and should go in using coercive interrogations and torture to extract information from detainees, administration officials said as they released hundreds of pages of previously classified documents related to the development of a policy on the detainees.

By late 2002, the documents showed, Secretary of Defense Donald H. Rumsfeld was fleshing out the policy under intense pressure to squeeze more information from people seized in Afghanistan. He briefly approved techniques including the use of dogs, and by April 2003 he approved the use, under some conditions, of interrogation techniques including changes in diet, reversing sleep cycles, and isolation.

But the White House counsel, Alberto R. Gonzales, told reporters on Tuesday that Mr. Bush never considered more aggressive options set out by administration lawyers, including those in an August 2002 Justice Department memo that appeared to offer a permissive definition of torture. The Justice Department on Tuesday essentially disavowed that memo, saying it was now considered irrelevant. It is being rewritten, a senior department official said.

The documents released Tuesday did little to settle some of the central questions surrounding what happened at Abu Ghraib prison in Iraq, including whether the administration tacitly or explicitly encouraged military personnel and intelligence officers — in Afghanistan, at Guantánamo Bay in Cuba and finally in Iraq — to be more aggressive than the written policies for dealing with detainees would permit.

The White House rejected any link and said Mr. Bush had made clear what the policy of the United States was.

"The president has given no order or directive that would immunize from prosecution anyone engaged in conduct that constitutes torture," Mr. Gonzales said. "All interrogation techniques actually authorized have been carefully vetted, are lawful and do not constitute torture."

Directly addressing any suggestion that the administration's consideration of more aggressive interrogation might have sent a signal to military personnel that abusing prisoners was justified and therefore contributed to what happened at Abu Ghraib, Mr. Gonzales said, "We categorically reject any connection."

Democrats said the documents released Tuesday appeared to represent only a portion of important legal documents related to detainees.

The administration released the documents after months in which its policies toward interrogation and torture have been called into question by the abuse of detainees at Abu Ghraib. The documents showed that the effort to draw up new rules for interrogation after the Sept. 11 terrorist attacks drastically widened the scope of techniques considered at the highest levels of the administration, but also in the end a reluctance to endorse many of them.

The release of the documents seemed to be driven by a sense at the White House that the gravity of the prison abuses required a fuller disclosure of the legal papers and internal debate that formed the basis for Washington's handling of detainees in Afghanistan and Iraq.

Administration officials said that the documents did not circulate widely in the government at the time they were prepared and that there was no connection between their exploration of the legalities of various interrogation techniques and what happened at Abu Ghraib.

Senate Democrats prepared a subpoena last week requesting more than a dozen documents beyond those released Tuesday. That subpoena was blocked last Thursday in a 10-to-9 party-line vote of the Senate Judiciary Committee. On Tuesday, Democrats dismissed the administration's document release as highly selective and said it failed to address important questions about its handling of detainee issues.

"The stonewalling in the prison abuse scandal has been building to a crisis point," Senator Patrick J. Leahy, Democrat of Vermont, said in a statement. "Now, responding to public pressure, the White House has released a small subset of the documents that offers glimpses into the genesis of this scandal. All should have been provided earlier to Congress, and much more remains held back and hidden away from public view."

None of the documents released Tuesday sheds any light on the legal thinking behind the detention of a small number of high-level Qaeda operatives who have been detained by the Central Intelligence Agency at secret locations around the world and who have been subjected to coercive interrogations without access to lawyers or human rights groups.

Asked Tuesday about the prison abuse and torture, Mr. Bush told reporters in the Oval Office that torture ran counter to the values of the United States and that he would never sanction its use.

"Let me make very clear the position of my government, and our country," Mr. Bush said. "We do not condone torture. I have never ordered torture. I will never order torture."

Briefing reporters after releasing the documents, Mr. Gonzales said they highlighted "the thorough and deliberative process the administration used to make policy decision on how to wage the global war on terrorist organizations."

Although he acknowledged that some of the legal issues raised during internal administration debates were controversial, he said the principles settled on by Mr. Bush were "more narrowly tailored" than the legal theories offered by his lawyers and made clear that torture was not an option for interrogation.

The "abstract" discussions about stretching the bounds of the law on torture and interrogation were never made available to "soldiers in the field, nor to the president," Mr. Gonzales said.

With the administration clearly eager to distance Mr. Bush from the debate over what kinds of interrogation techniques were allowable or legal, the Justice Department on Tuesday described as irrelevant and unnecessary a detailed, 50-page memo sent by the department to the White House in August 2002 on the legal restrictions on torture, saying the document was now considered irrelevant.

The memo, which leaked out in the news media earlier this month, appeared to offer a legal rationale for harsh treatment of Qaeda prisoners, setting a high bar for what constituted torture. It was sent from the Justice Department's Office of Legal Counsel to Mr. Gonzales.

The memo concluded that under international law banning torture, a tactic "must inflict pain that is difficult to endure" and that "physical pain amounting to torture must be equivalent in intensity to the pain accompanying serious physical injury, such as organ failure, impairment of bodily function, or even death," according to a copy released by the administration.

But a senior Justice Department official said the document was "overbroad and irrelevant" and was unnecessary because no one in the administration had ever asked for the legal authority to torture captives. The department is now rewriting the entire memo in a less abstract, more case-specific context, the official said.

The official said prisoners in Iraq were clearly covered by the Geneva Conventions and that Iraqi prisoners were "legally distinct" from Qaeda or Taliban prisoners. "Our simple advice to everybody in connection with the Iraq detention is comply with the Geneva Conventions," the official said.

Some of the documents showed that the administration originally had no intention of making its internal debate public anytime soon. Mr. Rumsfeld's April 16, 2003, memo authorizing the limited use of more aggressive interrogation techniques at Guantánamo Bay was stamped "Declassify On: 2 April 2013."

Eric Lichtblau and David Johnston contributed reporting for this article.

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June 23, 2004

STRATEGY

Wolfowitz Testifies Pentagon Misjudged the Strength of Iraqi Insurgency

By THOM SHANKER

WASHINGTON, June 22 — Deputy Defense Secretary Paul D. Wolfowitz, a prime architect of the Bush administration's Iraq policy, said Tuesday that the Pentagon had underestimated the violent tenacity of an insurgency that formed after Baghdad fell, and he acknowledged that the United States may be forced to keep a significant number of troops in Iraq for years to come.

But even under questioning from House Democrats, Mr. Wolfowitz never wavered from an optimistic posture as he cited "enormous progress" in the effort to stabilize Iraq and hand over responsibility for governing and security to the Iraqis.

Mr. Wolfowitz, who just returned from a five-day visit to Iraq, told House Armed Services Committee members that he heard military personnel from the United States and its allies, as well as Iraqi citizens, say the world does not realize the successes achieved as Iraq moves toward sovereignty on June 30.

"It's something we heard almost everywhere — from Iraqis, from Americans, from a British general down in Basra," Mr. Wolfowitz said. "It doesn't mean that there aren't serious problems in Iraq; we all know about the problems. But I think that what doesn't get through in all the reporting on problems is there's also been enormous progress."

Mr. Wolfowitz's assessment was challenged by Representative Ike Skelton of Missouri, the committee's ranking Democrat, who read aloud the administration's goals for Iraq as stated last July, and said they had still not been met.

"The four pillars of this plan were establishing security, restoring essential services, creating conditions for economic development, and enabling the transition to democratic

much of what the Iraqi ministries are going to do and that we will therefore have a major say in the way the funds are spent. We should openly admit that U.S. armed forces will be needed to prevent a civil war and pacify the country and that we will not allow a former Baathist general, or any other Iraqi officer, to command them, though we may take Iraqi military "advice."

As important, we should stop scoffing at the U.N., the International Criminal Court and other international institutions and admit that they should have some jurisdiction over the affairs of nations. Then we could send Hussein to The Hague for trial by the ICC, rather than pretend that we are going to turn him over to a wobbly Iraqi judicial system.

What would it mean to Bush's reelection chances if he took back his "full and complete" rhetoric and replaced it with the truth: a frank admission that we are far from truly handing over power to the Iraqis? I don't know, but I am confident it would make for a sounder and more responsible U.S. foreign policy.

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CHRISTIAN SCIENCE MONITOR

from the June 23, 2004 edition - <http://www.csmonitor.com/2004/0623/p01s01-usju.html>

High stakes, harsh scrutiny as prison-abuse trials go on

By Peter Grier | Staff writer of The Christian Science Monitor

WASHINGTON - It now appears that legal proceedings for US military personnel charged in the Abu Ghraib case may help answer a key question: In the chain of command, how high did responsibility for the abuse of prisoners go?

Defense lawyers say they'll try to get testimony from President Bush himself in an effort to show that their clients were simply following orders. A military judge has already ruled that top generals will have to submit to questioning.

Meanwhile, Secretary of Defense Donald Rumsfeld has admitted that he personally approved the decision to hide several prisoners from the Red Cross - though he denies that this helped create the atmosphere that led to the problems at Abu Ghraib.

It seems likely that the US national security structure is facing a summer of more messy revelations about interrogation methods and its treatment of prisoners around the world. That's something that may be necessary to try to reassure the US public - if not skeptical Iraqis - that the American system of military justice can deal with such wrong-doing.

"We need to see what's there," says Helle Dale, director of foreign policy studies at the Heritage Foundation.

The Pentagon has long portrayed the seven lower-level service personnel accused in the Abu Ghraib case of being simply bad soldiers - people who for reasons known only to themselves manipulated and abused prisoners.

Indeed, some of the accused have reportedly told investigators that such actions as piling naked prisoners on top of each other, and then taking pictures, had nothing to do with obtaining intelligence, or any other military mission. They did it because it "looked funny," Pfc. Lynndie England reportedly said.

But this sort of abuse may be only part of the story. Defense lawyers for some of those charged so far claim that pressure for productive interrogations, combined with ambiguous orders about the treatment of prisoners, created an environment in which many were culpable for the actions of a few.

The door to continued legal exploration of this subject was opened wide on Monday when a military judge, Col. James Pohl, held that leaders such as Lt. Gen. Ricardo Sanchez, the top US commander in Iraq, would have to answer questions about whether they approved treatment of prisoners that violated the Geneva Convention.

The judge also ordered that Abu Ghraib itself be preserved as a "crime scene," and not destroyed, as Mr. Bush had previously ordered.

Thus the stakes are now raised for the Bush administration in the Abu Ghraib legal process. Generals seldom sit for such questioning, say legal experts. They will now have to answer uncomfortable questions about what they knew of a number of US memos that laid out arguments for how harsh treatment of prisoners could be held as legal.

"This is not your ordinary case," says Eugene Fidell, president of the National Institute of Military Justice. "Some of the things floating around here are of great moment."

An August 2002 Justice Department memo, for example, argued that cruel and inhuman treatment was justifiable in the protection of national security, as long as it did not become actual torture, which the memo defined as pain equivalent to "serious physical injury."

Such memos were simply theoretical, and did not affect actual decisions about what was and was not permissible in regards to interrogation, according to administration officials.

But other decisions clearly were not theoretical. Mr. Rumsfeld agreed to hide some prisoners from the Red Cross, creating "ghost detainees." In December 2002, he also approved use of interrogation methods beyond those approved in Army field manuals for use on detainees at the US military's prison at Guantánamo Bay, Cuba.

The particular target of this change was Mohamed al-Khatani, a Saudi Arabian believed to involved in planning for the Sept. 11 attacks. US authorities were desperate to get him to talk, and, in their view, possibly prevent future attacks.

That's the balance that officials were trying to strike in some of these situations, points out Ms. Dale of the Heritage Foundation. They felt they were under tremendous pressure to protect the nation, and that in the post-9/11 world, the old rules might no longer entirely apply.

But the old rules were there for a reason. If the US is seen by the rest of the world as ignoring the restraints of the Geneva Convention, the rest of the world may be less condemnatory if captured US personnel are some day treated the same way.

Perhaps US officials believe they did gain crucial information from loosening some of the rules. Revelations so far do not indicate that to be the case.

"They were walking a fine line, and at some point they seem to have overstepped," says Dale.

USA Today
June 23, 2004
Pg. 1

General Promised Quick Results If Gitmo Plan Used At Abu Ghraib

But Miller asked for extra guards and legal adviser

By Blake Morrison and Peter Eisler, USA Today

The general who pushed for more aggressive interrogation tactics at Iraq's Abu Ghraib prison predicted better intelligence within a month if his strategies were adopted, according to a copy of his classified plan obtained by USA TODAY.

In the plan, sent in early September to top military officials in Iraq, Maj. Gen. Geoffrey Miller promised that "a significant improvement in actionable intelligence will be realized within 30 days." His strategy involved having military police acting as prison guards "setting the conditions to exploit internees to respond to questions."

The recommendations in Miller's 12-page report were based on the interrogation operation he supervised at the U.S. Naval Base at Guantanamo Bay, Cuba, where suspected members of al-Qaeda are held. The report lists a roster of the 17-person team culled entirely from the Guantanamo operation. The team spent 10 days at Abu Ghraib with Miller in late summer, before he submitted the plan. Several interrogation teams from Guantanamo subsequently trained those at Abu Ghraib.

By Oct. 12, the Army moved ahead with Miller's strategy to team guards and interrogators, an approach at odds with long-established military doctrine. But

Iraqi women are the other major group whose rights are at risk due to the U.N.'s failure to endorse the TAL. Some 65% of the population, by the way, they now may lose the gains they have made since Saddam Hussein was ousted.

Legal protections for women's rights were enshrined in Iraqi law beginning in the 1950s, and women had some opportunities to pursue employment and education that were denied their sisters in neighboring countries. However, these rights steadily were eroded under Saddam Hussein until they were limited to Baathist supporters. (Although Kurdish women, outside of Saddam's control, also enjoyed increasing rights.) The overthrow of the Baathists provided an opportunity to restore the rights of all Iraqi women.

But Iraqi women now face new threats. Last winter, the IGC tried to pass a resolution that would have replaced civil law with Islamic religious law, giving clerics undue power over women. In neighboring countries where such power is the case, women have an unequal, second-class role within their own families.

As free Iraqi citizens, the women of Iraq successfully lobbied to defeat this resolution. The TAL provided further protections, not only by recognizing their equal rights, but also by securing their religious freedom. The TAL rightly recognizes Islam as the official religion of Iraq and a source of legislation, but it also states that each "Iraqi has the right to freedom of thought, conscience, and religious belief and practice," thus preventing the subjugation of women through religious coercion.

Another important provision in the TAL is its target of 25% representation for women in the interim legislature scheduled to take power in July. The effect of this target has already been felt, as six out of 33 ministers in Iraq's new interim government are women.

As long as Iraqi women are willing to fight, the future might just promise the respect due Iraq's women. But without the TAL's important protections, Iraq will never develop to its full economic and political potential.

The transitional law was a major step in the right direction for all Iraqis. It must remain in force. The U.N. needs to understand that. Americans -- of all people -- should help freedom-loving Iraqis make that case.

Ms. Berwari is Iraq's minister for Municipalities & Public Works.

washingtonpost.com

U.S. Struggled Over How Far to Push Tactics

Documents Show Back-and-Forth on Interrogation Policy

By Dana Priest and Bradley Graham
Washington Post Staff Writers
Thursday, June 24, 2004; Page A01

Newly released documents and interviews portray the civilian leadership at the Pentagon as urgently concerned that al Qaeda and Taliban detainees might have information that could prevent terrorist attacks and as searching intently for effective and "exceptional" interrogation techniques that would pass legal muster.

Defense Secretary Donald H. Rumsfeld and his senior aides emerge as central players in the government's struggle over nearly three years to decide how far it could go to extract information from those captured in Afghanistan and Iraq and others imprisoned at Guantanamo Bay, Cuba.

The result, seen in the documents and in the officials' statements, is a trail of fitful ad hoc policymaking in which interrogation tactics were authorized for a time, then rescinded or modified after the Pentagon's lawyers or others raised legal, ethical or practical objections. Some practices authorized in the field were pulled back at the Pentagon level, and decisions on how to treat detainees were sometimes made case by case.

Rumsfeld, for example, approved in December 2002 a range of severe methods including the stripping of prisoners at Guantanamo, and using dogs to frighten them. He later rescinded those tactics and signed off on a shorter list of "exceptional techniques" suggested by a Pentagon working group in 2003, even though the panel pointed out that, historically, the U.S. military had rejected the use of force in interrogations. "Army interrogation experts view the use of force as an inferior technique that yields information of questionable quality," and distorts the behavior of those being questioned, the group report noted.

Although the White House this week repudiated a Justice Department opinion that torture might be legally defensible, Pentagon general counsel William J. Haynes II in 2003 forced the Pentagon working group to use it as its legal guidepost. He did so over objections from the top lawyers of every military service, who found the legal judgments to be extreme and wrong-headed, according to several military lawyers and memos outlining the debate that were summarized for The Washington Post.

In Iraq, where White House and Pentagon lawyers say all prisoners are protected by the Geneva Conventions, Rumsfeld agreed to hide an Iraqi captive from the International Committee of the Red Cross because, he said, CIA Director George J. Tenet asked him to. Legal experts call it a clear violation of the conventions. "A request was made to do that, and we did," Rumsfeld said last week, even as his deputy general counsel, Daniel J. Dell'Orto, acknowledged from the same podium that "we should have registered him much sooner than we did."

Rumsfeld played a direct role in setting policies for detainee treatment in Afghanistan and Guantanamo, according to a list of Defense Department memos related to Guantanamo Bay obtained by The Post. He signed seven orders from January 2002 to January 2003 establishing the interrogation center, placing the Army in charge, allowing access by the Red Cross and foreign intelligence officials, and even deciding how detainee mail would be handled.

Unlike the CIA, which vetted and won approval from the Justice Department and National Security Council for its aggressive interrogation tactics after Sept. 11, 2001, the Pentagon has worked largely on its own in promulgating new questioning methods.

The White House and Justice Department were "completely uninvolved with" reviewing the interrogation rules in Afghanistan and Iraq, said a senior administration official involved in the process.

The Pentagon's chief spokesman, Lawrence T. DiRita, portrayed Rumsfeld as largely responding to requests from commanders and interrogators in the field rather than pushing a certain interrogation policy. "These things tended to come up through legal channels," he said in an interview.

Part of the Pentagon leadership's drive for more leeway in interrogations can be traced to a historic change during Rumsfeld's tenure: the military's dramatically enhanced role in collecting and analyzing intelligence that can be used to thwart terrorist networks worldwide. To accomplish this, Rumsfeld has begun an unprecedented drive to build a Pentagon-based human intelligence apparatus that could one day rival the CIA's clandestine case officer program.

This intelligence-gathering mission trumps most other priorities, including the desire to bring alleged wrongdoers to trial for their role in terrorist plots.

As Rumsfeld explained it in February to the Greater Miami Chamber of Commerce: "What we think about is keeping them off the battlefield so they can't go out and kill more people, immediately interrogating them so we can find out what they know that can prevent future acts of terror against our country . . . and only last is the issue of a crime and some sort of a process that would make a judgment about that crime."

The debate over tactics at Guantanamo appears to have begun in December 2002 when two Navy interrogators heard young military intelligence personnel talking about using techniques that they described to their superiors as "repulsive and potentially illegal."

Navy general counsel Alberto J. Mora brought the issue to the attention of Haynes. Mora's appeals were ignored, however, until he threatened to put his concerns in writing for Haynes, several senior Pentagon officials said. Mora's questions led to the discovery that among the list of "counter-resistance strategies" at Guantanamo were such tactics as using scenarios "designed to convince the detainee that death or severely painful consequences are imminent for him and/or his family," according to an October 2002 memo, and wrapping detainees in wet towels or dripping water on them to make them believe they would suffocate.

Lt. Col. Diane E. Beaver, the legal counsel at Guantanamo then, ruled that those and other techniques -- including 20-hour interrogations, light and sound assaults, stress positions, exposure to cold weather and water -- were legal. She said they could be used with proper oversight and training of interrogators, as long as "there is an important

governmental objective, and it is not done for the purpose of causing harm or with the intent to cause prolonged mental suffering."

Interrogators at the detention facilities were particularly interested in using the techniques against two prisoners -- one of them Mohamed al Qahtani, a Saudi detainee who some officials believed may have been the planned 20th hijacker on Sept. 11. Both detainees were considered to have important information about potential future terrorist operations, defense officials have said.

Maj. Gen. Michael Dunlavey, the commander of Guantanamo, agreed, and sent the list of tactics to Gen. James T. Hill, head of the U.S. Southern Command, for approval.

Hill was not as convinced, and wondered in a memo about the legality of some of the techniques. He asked Gen. Richard B. Myers, chairman of the Joint Chiefs of Staff, for guidance. In December, Rumsfeld approved the use of dogs and stripping, but threw out other controversial items.

Rumsfeld also set up a working group of military lawyers and others to deliberate over the range of techniques that might be useful and appropriate. The group came up with 35 techniques. Among the most severe were 20-hour interrogations, face slapping, stripping detainees to create "a feeling of helplessness and dependence," and using dogs to increase anxiety.

The president's directive in February 2002 that ordered U.S. forces to treat al Qaeda and Taliban detainees humanely and consistent with the Geneva Conventions does contain a loophole phrase: "to the extent appropriate and consistent with military necessity."

The working group's report discussed when the "military necessity" exception might be invoked, citing two factors. One was when government officials felt certain that a particular detainee had information needed to prevent an attack. The other factor was a likelihood that a terrorist attack was about to occur and the attack's potential scale.

But the report also noted that "military courts have treated the necessity defense with disfavor and in fact, some have refused to accept necessity as a permissible defense." The rejections have come from judges who objected to the notion of weighing one evil against another, or who feared that acceptance of the necessity argument would open the door to "private moral codes" substituting for the rule of law, the report said.

Other cautionary flags were raised as well. The report warned that use of exceptional techniques could have "adverse effects" on the "culture and self-image" of the armed forces, recalling the damage done in the past by "perceived law of war violations."

It argued that use of such tactics in some cases but not others could create uncertainty among interrogators about the appropriate limits for interrogators. It also noted that, if the tactics became public, the disclosure could undermine confidence in the war on terrorism and in the military tribunal process that was developed for putting detainees on trial.

Rumsfeld eventually pared the list of 35 methods to 24. Most were part of standard military doctrine. Seven, however, went beyond that, including: removing a detainee from the standard interrogation setting and putting him in a less comfortable room; replacing hot rations with cold food or military Meals Ready to Eat; adjusting the temperature to uncomfortable levels or introducing an unpleasant smell; reversing sleep cycles from night to day; deceiving detainees into thinking they were being questioned by people from a country other than the United States.

"The secretary has placed great stock in the legal reviews that have taken place at every level, and has been persuaded each time that he has had to make decisions, that there were sufficient legal reviews along the way," DiRita said.

A suspected Iraqi member of the terrorist group Al Ansar did not receive such a thorough legal review, defense officials said. The man -- identified by U.S. News & World Report as Hiwa AbdulRahman Rashul -- was picked up by Kurdish soldiers in June or July of 2003 and taken outside Iraq by the CIA for interrogation. In October, the CIA's general counsel told the CIA's directorate of operations that it had to bring the man back to Iraq, since all Iraqi detainees were to be accorded treatment under the Geneva Conventions.

Tenet asked Rumsfeld not to give the prisoner a number and to hide him from international Red Cross officials. He became lost in the system for seven months and was not interrogated by CIA or military officials during that time.

In his investigation into the abuse of detainees at Iraq's Abu Ghraib prison, Army Maj. Gen. Antonio M. Taguba had criticized the CIA practice of maintaining such "ghost detainees" and called the practice "deceptive, contrary to Army doctrine and in violation of international law."

Rumsfeld was asked at a news conference last week, "How is this case different from what Taguba was talking about, the ghost detainees?"

"It is just different, that's all," Rumsfeld replied.

"But can you explain how and why?"

"I can't."

Staff writers Mike Allen and R. Jeffrey Smith contributed to this report.

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U.S. Immunity in Iraq Will Go Beyond June 30

By Robin Wright
Washington Post Staff Writer
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says, so hard that at one point she had an asthma attack and the police had to rush her to the hospital.

But by morning, she says, things didn't seem as gloomy. Shamil had brought chicken and rice from her favorite restaurant and had talked the police into visiting Asaad in the hospital to clear things up. Asaad signed a statement saying Halla wasn't involved and told police some random gangsters had attacked him. After reviewing all the reports, a U.S. Army captain signed Halla's release papers, Halla says, and smiled as he wished her well.

That gave Halla an idea. Images of money flashed through her mind. She scribbled down her phone number and slipped it to the interpreter to give to the soldier.

She was disappointed when he didn't call.

Special correspondent Shereen Jerjes contributed to this report.

EDITORIAL:
[washingtonpost.com](http://www.washingtonpost.com)

A Partial Disclosure

Thursday, June 24, 2004; Page A24

THE BUSH administration has taken two important steps toward correcting its policies on the handling of foreign detainees. On Tuesday administration officials renounced earlier legal opinions that justified the use of torture, and President Bush stated that the United States will not condone its use. At the same time, the Defense Department released its current procedures for prisoner interrogation at Guantanamo Bay, where the administration considers itself unbound by the Geneva Conventions. Both the revised procedures and the administration's statements about them give some cause for concern, and many important questions remain unanswered. But President Bush deserves credit for accepting that some administration policymaking was, as his counsel put it, "controversial" and "subject to misinterpretation," and for breaking with a self-defeating policy of secrecy about the rules for interrogation.

Now that the current Guantanamo procedures are public, Americans and foreign observers alike can see that most are the same as those used by the U.S. military for decades, without controversy and without leading to abuse. Of the seven additional techniques now allowed by the Pentagon under certain circumstances, several -- including "environmental manipulation" and "isolation" -- are considered inhumane or illegal by human rights groups and other governments, as the official policy statement acknowledges. In our view, the administration ought to reconsider whether the intelligence fruits of such questionable techniques, reportedly meager, are worth the

political costs and the damage they do to America's reputation, or whether they too should be publicly renounced.

A deeper concern is the administration's continuing failure to disclose the interrogation policies applicable outside Guantanamo, including those used by the military in Iraq and Afghanistan and those employed by the CIA at its secret detention centers outside the United States. A statement Tuesday by White House counsel Alberto R. Gonzales appeared to diminish Mr. Bush's broad assurance on torture: Mr. Gonzales said that the administration considers torture to be "a specific intent to inflict severe physical or mental harm or suffering." That narrow definition, according to the administration's previous reasoning, would allow the infliction of pain short of death or organ failure, and even this would be acceptable if the pain were not the interrogator's primary purpose. If Mr. Bush's pledge is to have credibility around the world, more detailed and restrictive guidelines on torture should be adopted and made public -- or legislated by Congress.

Questions also remain about how the abuse of detainees at Abu Ghraib prison and elsewhere came about. The documents confirm that Defense Secretary Donald H. Rumsfeld approved a number of harsh interrogation techniques for use in Guantanamo in December 2002, including hooding, requiring nudity, placing prisoners in stress positions and using dogs. After military lawyers objected that these violated international law, Mr. Rumsfeld suspended their use a month later. But all these techniques, as well as the restricted practices now approved for Guantanamo, appeared in an interrogation policy issued for Iraq by command of Lt. Gen. Ricardo S. Sanchez in September 2003. Nearly word for word, the harsh methods detailed in memos signed by Mr. Rumsfeld -- which even administration lawyers considered violations of the Geneva Conventions -- were then distributed to interrogators at Abu Ghraib. The procedures in turn could be read to cover much of what is seen in the photographs that have scandalized the world. How did this spread of improper and illegal practices occur? The Bush administration has yet to offer a convincing answer -- or hold anyone accountable for it.

OPINION:

[washingtonpost.com](http://www.washingtonpost.com)

The Toll of 'No More Iraqs'

By Jim Hoagland

Thursday, June 24, 2004; Page A25

Military victory in Iraq was supposed to change the psychology of nations as well as the regime in Baghdad. "For diplomacy to be effective, words must be credible, and no one can now doubt the word of America," President Bush said in his State of the Union message in January.

It is not working that way as the occupation of Iraq stumbles toward a nominal end on June 30. The purposes and durability of the use of American military power abroad are being more loudly questioned and more persistently stigmatized in the media, on

CIA Puts Harsh Tactics On Hold

Memo on Methods Of Interrogation Had Wide Review

By Dana Priest
Washington Post Staff Writer
Sunday, June 27, 2004; Page A01

The CIA has suspended the use of extraordinary interrogation techniques approved by the White House pending a review by Justice Department and other administration lawyers, intelligence officials said.

The "enhanced interrogation techniques," as the CIA calls them, include feigned drowning and refusal of pain medication for injuries. The tactics have been used to elicit intelligence from al Qaeda leaders such as Abu Zubaida and Khalid Sheik Mohammed.

Current and former CIA officers aware of the recent decision said the suspension reflects the CIA's fears of being accused of unsanctioned and illegal activities, as it was in the 1970s. The decision applies to CIA detention facilities, such as those around the world where the agency is interrogating al Qaeda leaders and their supporters, but not military prisons at Guantanamo Bay, Cuba, and elsewhere.

"Everything's on hold," said a former senior CIA official aware of the agency's decision. "The whole thing has been stopped until we sort out whether we are sure we're on legal ground." A CIA spokesman declined to comment on the issue.

CIA interrogations will continue but without the suspended techniques, which include feigning suffocation, "stress positions," light and noise bombardment, sleep deprivation, and making captives think they are being interrogated by another government.

The suspension is the latest fallout from the abuse scandal at Abu Ghraib prison in Iraq, and is related to the White House decision, announced Tuesday, to review and rewrite sections of an Aug. 1, 2002, Justice Department opinion on interrogations that said torture might be justified in some cases.

Although the White House repudiated the memo Tuesday as the work of a small group of lawyers at the Justice Department, administration officials now confirm it was vetted by a larger number of officials, including lawyers at the National Security Council, the White House counsel's office and Vice President Cheney's office.

The memorandum was drafted by the Justice Department's Office of Legal Counsel to help the CIA determine how aggressive its interrogators could be during sessions with suspected al Qaeda members. The legal opinion was signed by Jay S. Bybee, then head of the office and now a federal judge. The office consists mainly of political appointees and is considered the executive branch agencies' legal adviser. Memos signed by the head of the office are given the weight of a binding legal opinion.

TRANSCOM GHOST DOCS 167

A Justice Department official said Tuesday at a briefing that the office went "beyond what was asked for," but other lawyers and administration officials said the memo was approved by the department's criminal division and by the office of Attorney General John D. Ashcroft.

In addition, Timothy E. Flanigan -- then deputy White House counsel -- discussed a draft of the document with lawyers at the Office of Legal Counsel before it was finalized, the officials said. David S. Addington, Cheney's counsel, also weighed in with remarks during at least one meeting he held with Justice lawyers involved with writing the opinion. He was particularly concerned, sources said, that the opinion include a clear-cut section on the president's authority.

That section of the memo has become among the most controversial within the legal community that has analyzed the opinion since it was made public by The Washington Post. During Tuesday's briefing, White House counsel Alberto R. Gonzales called the commander in chief section "unnecessary."

The Justice Department, he said, "will make a decision as to whether or not that is something that should continue to remain in the opinion." Justice Department officials said it would be scrapped.

The commander in chief section of the opinion said laws prohibiting torture do "not apply to the President's detention and interrogation of enemy combatants" in his role as commander in chief. Congress, which has signed international laws prohibiting torture, "may no more regulate the President's ability to detain and interrogate enemy combatants than it may regulate his ability to direct troop movements on the battlefield," according to the August memorandum.

Another element of the opinion criticized by outside lawyers is that it defines torture as pain "equivalent in intensity to the pain accompanying serious physical injury, such as organ failure, impairment of bodily function, or even death." That standard would allow a variety of tactics that would be considered cruel and inhumane under international law, legal experts have said.

At a briefing Tuesday, Gonzales declined to answer repeated questions about how the legal opinion, or the upcoming review of it, affected the CIA. But, he added, "As far as I'm told, every interrogation technique that has been authorized throughout the government is lawful and does not constitute torture."

Asked yesterday about the memo's circulation to a wider group of officials than previously known, White House spokeswoman Erin Healy replied in an e-mail: "It would not be uncommon for the Department of Justice to discuss issues with lawyers throughout the administration. Regardless, the President's policy is very clear. He expects detainees to be treated in a manner consistent with our laws, treaties and values. The President has spoken out against torture, he has never authorized it, nor will he. As we have said, portions of the memo are overbroad and the Department of Justice is reviewing it."

The legal debate over CIA interrogation techniques had its origins in the battlefields of Afghanistan, secret counterterrorism operations in Pakistan and in President Bush's decision to use unconventional tools in going after al Qaeda.

The interrogation methods were approved by Justice Department and National Security Council lawyers in 2002, briefed to key congressional leaders and required the authorization of CIA Director George J. Tenet for use, according to intelligence officials and other government officials with knowledge of the secret decision-making process.

When the CIA and the military "started capturing al Qaeda in Afghanistan, they had no interrogators, no special rules and no place to put them," said a senior Marine officer involved in detainee procedures. The FBI, which had the only full cadre of professional interrogators from its work with criminal networks in the United States, took the lead in questioning detainees.

But on Nov. 11, 2001, a senior al Qaeda operative who ran the Khaldan paramilitary camp in Afghanistan was captured by Pakistani forces and turned over to U.S. military forces in January 2002. The capture of Ibn al-Shaykh al-Libi, a Libyan, sparked the first real debate over interrogations. The CIA wanted to use a range of methods, including threatening his life and family.

But the FBI had never authorized such methods. The bureau wanted to preserve the purity of interrogations so they could be used as evidence in court cases.

Al-Libi provided the CIA with intelligence about an alleged plot to blow up the U.S. Embassy in Yemen with a truck bomb and pointed officials in the direction of Abu Zubaida, a top al Qaeda leader known to have been involved with the Sept. 11 plot.

In March 2002, Abu Zubaida was captured, and the interrogation debate between the CIA and FBI began anew. This time, when FBI Director Robert S. Mueller III decided to withhold FBI involvement, it was a signal that the tug of war was over. "Once the CIA was given the green light . . . they had the lead role," said a senior FBI counterterrorism official.

Abu Zubaida was shot in the groin during his apprehension in Pakistan. U.S. national security officials have suggested that painkillers were used selectively in the beginning of his captivity until he agreed to cooperate more fully. His information led to the apprehension of other al Qaeda members, including Ramzi Binalshibh, also in Pakistan. The capture of Binalshibh and other al Qaeda leaders -- Omar al-Faruq in Indonesia, Rahim al-Nashiri in Kuwait and Muhammad al Darbi in Yemen -- were all partly the result of information gained during interrogations, according to U.S. intelligence and national security officials. All four remain under CIA control.

A former senior Justice Department official said interrogation techniques for "high-value targets" were reviewed and approved on a case-by-case basis, based partly on what

strategies would work best on specific detainees. Justice lawyers suggested some limitations that were adopted, the former official said.

The former official, who spoke on the condition of anonymity because of the sensitivity of the issue, said the administration concluded that techniques did not amount to torture if they did not produce significant physical harm or injury. However, interrogators were allowed to trick the detainees into thinking they might be harmed or instructed to endure unpleasant physical tasks, such as being forced to stand or squat in stress positions.

"Clearly, that is not considered torture," the former Justice official argued. "It might be unpleasant and it might offend our sensibilities in most situations, but in these situations they were necessary and productive."

At the same time, the former official said, "we never had a situation where we said, 'You can do anything you want to.' We never, ever did that. We were aggressive, but our people were very scholarly and lawyerlike."

Staff writers John Mintz and Dan Eggen contributed to this report.

[washingtonpost.com](http://www.washingtonpost.com)

U.S. Edicts Curb Power Of Iraq's Leadership

By Rajiv Chandrasekaran and Walter Pincus
Washington Post Foreign Service
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BAGHDAD, June 26 -- U.S. administrator L. Paul Bremer has issued a raft of edicts revising Iraq's legal code and has appointed at least two dozen Iraqis to government jobs with multi-year terms in an attempt to promote his concepts of governance long after the planned handover of political authority on Wednesday.

Some of the orders signed by Bremer, which will remain in effect unless overturned by Iraq's interim government, restrict the power of the interim government and impose U.S.-crafted rules for the country's democratic transition. Among the most controversial orders is the enactment of an elections law that gives a seven-member commission the power to disqualify political parties and any of the candidates they support.

The effect of other regulations could last much longer. Bremer has ordered that the national security adviser and the national intelligence chief chosen by the interim prime minister he selected, Ayad Allawi, be given five-year terms, imposing Allawi's choices on the elected government that is to take over next year.

Bremer also has appointed Iraqis handpicked by his aides to influential positions in the interim government. He has installed inspectors-general for five-year terms in every ministry. He has formed and filled commissions to regulate communications, public

beating and ritually humiliating Iraqi detainees at Abu Ghraib prison. Here at home, critics carp and, intentionally or not, too often suggest that Americans are serving and dying in Iraq in vain. Some suggest that if we had it to do over again, we would not and should not.

Some Democrats even claim that the coalition's failure to discover weapons of mass destruction in Iraq invalidates their earlier explicit support for our intervention. In fact, their own statements at the time show that they supported the war not only because it would eradicate the weapons threat but also because it would end human rights abuses and regime-sponsored terrorism, as well as create conditions for democracy. This isn't just "selective amnesia" in an election year. It's irresponsible hindsight.

Backbiters and back-stabbers are as entitled as anyone to ask questions, but they, like the rest of us, must remain realistic and credible. Today Iraq is poised for increased prosperity and a better political future. Many, if not most, of its people are imbued with hope. Thousands of brave Americans, with the support of most of us here, are slowly but surely turning that hope into reality.

If our hope is not fully realized, it will not be because President Bush decided to withdraw on the advice of those who expected miracles and instant gratification. We will have set noble yet tangible goals, worked diligently and sacrificed honorably. If we succeed -- as I believe we will, sometime after this wretched political season is over but in the not too distant future -- the people of Iraq and their neighbors in the Middle East will benefit from political rights, civil liberties and freedom of a kind that the Arab world has never seen before.

The writer, a former Senate majority leader, was the Republican candidate for president in 1996.

NEW YORK TIMES

June 28, 2004

THE INTERROGATORS

Uncertainty About Interrogation Rules Seen as Slowing the Hunt for Information on Terrorists

By DAVID JOHNSTON

WASHINGTON, June 27 — Confusion about the legal limits of interrogation has begun to slow government efforts to obtain information from suspected terrorists, American intelligence officials said Sunday.

Doubts about whether interrogators can employ coercive methods, the officials said, could create problems at the start of a critical summer period when counterterrorism officials fear that Al Qaeda might attack the United States.

Interrogators are uncertain what rules are in effect and are worried that the legal safeguards that they had believed were in place to protect them from internal sanctions or criminal liability may no longer exist, the officials said.

Some intelligence officials involved in the C.I.A.'s interrogation program have told colleagues that they are bitter because their superiors, in the months after the September 2001 attacks, had assured them that aggressive interrogation techniques were necessary and legal.

Other intelligence officials have expressed a sense of resignation, saying they had a feeling that, from the early days in the war on terror, aggressive steps taken in an effort to protect the country from another attack would lead to criticism and internal investigations.

The uncertainty follows the Bush administration's decision to review and revise the legal basis on which interrogations of high-level Qaeda detainees have been conducted.

A Justice Department legal memo in August 2002 said the government had broad legal authority over detainees, approving tactics that stopped just short of a prisoner's death.

The memo said interrogators would use extreme interrogation methods without violating international treaties or federal law, which bars inhumane treatment.

Senior administration legal advisers announced last week that the legal memo, signed by Jay S. Bybee, head of the Office of Legal Counsel, had been disavowed. In repudiating the memo, they said it was too broad and created the false impression that the Bush administration condoned torture.

The C.I.A.'s interrogation program has been troubled.

A C.I.A. contractor has been indicted in North Carolina in the death of a detainee in Afghanistan. The Justice Department has been reviewing two other cases in Iraq in which C.I.A. personnel had contact with detainees who died.

C.I.A. personnel had become increasingly wary of the interrogation methods used in 2002 and 2003 against some detainees, including sleep and food deprivation and procedures in which detainees were led to believe that they might be shot, drowned or hanged.

The Washington Post reported on Sunday that the use of extreme measures had been halted while the government re-examined the law regarding how far interrogators could go in questioning terror subjects. A spokesman for the C.I.A. would not discuss the

report, but other officials said that the status of a suspension was somewhat unclear and that the rules for interrogation were being reviewed but not necessarily rescinded.

Intelligence officials say the C.I.A.'s detention system was designed to handle only the most important Qaeda operatives captured in Afghanistan and elsewhere. Less important captives from the war in Afghanistan, as well as Iraqi prisoners, have been held by the American military.

With the approval of President Bush, the C.I.A. decided early in the war on terrorism to isolate top-level Qaeda detainees in remote and undisclosed locations outside the United States, keeping them far removed from the rules governing the American judicial system.

The agency also decided to segregate them from the larger numbers of low-level Afghan and foreign fighters sent to a detention facility at the Guantánamo Bay naval base in Cuba. The C.I.A. wanted complete control over the so-called high-valued detainees; at Guantánamo, officials from several United States agencies had access to the low-level captives.

Abu Zubaydah, who managed Al Qaeda's recruiting system for its training camps in Afghanistan, was among the first Qaeda leaders to be captured, and his treatment in detention raised early concerns about the C.I.A.'s harsh tactics.

After his April 2002 capture in Pakistan, he was believed to have been taken to Thailand, where the local government had agreed to allow the C.I.A. to establish a secret interrogation facility for important prisoners. The tactics used on Mr. Zubaydah prompted concern among some F.B.I. agents who were aware of how the C.I.A. was treating him.

The Bybee memo was prepared after an internal government debate about the tactics used in Mr. Zubaydah's interrogation, and provided a legal basis for the use of coercive tactics used against other high-value detainees, including Khalid Shaikh Mohammed, believed to have been a planner of the Sept. 11 attacks.

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June 28, 2004

BASRA

Brackish Waters of a Leaky, Ramshackle Canal Reflect the Woes of Trying to Rebuild Iraq

By JAMES GLANZ

BASRA, Iraq — A journey down the wandering, ramshackle course of the Sweet Water Canal, the hapless and ironically named waterway that was designed as a lifeline for the

Central Intelligence from 1993-95 and former Washington attorney, is vice president of Booz Allen Hamilton.

OPINION:

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Pg. 17

Torturing Suspected Terrorists?

By Nat Hentoff

Much of the media eventually may lose interest in the contention of administration lawyers — in leaked Pentagon and Justice Department reports — that the president, as commander in chief in a war on terrorism, has the authority to justify selective use of torture on prisoners allegedly linked to terrorism. But in a letter to the New York Times, Dr. Allen Kelley, Director of the Bellevue-NYU Program for Survivors of Torture, sounds a warning:

"The notion that torture is justified or effective in eliciting information is misguided and dangerous. Individuals so brutalized will say whatever they think their interrogators want to hear."

Meanwhile, even weeks later, the media has almost entirely ignored the May 16 ABC Television "Nightline" program titled "The Disappeared." It focused not on whether, and when, a congressional statute and international treaties we've signed can be bypassed, but rather, on an operation apparently even more disconnected from our laws.

"Nightline" focused on super-secret CIA interrogation centers overseas. "The inmates are believed to make up a who's who of the top al Qaeda leadership," said reporter Chris Bury. "But even their names are classified. Some of them may never be released. For all practical purposes, they have just disappeared."

Obviously, it's essential to get information from leading terrorists. But, Mr. Bury continued, these prisons "operate entirely outside the U.S. judicial system, according to a set of rules approved by the Justice Department. But like everything else about the CIA's prisons, those rules are also top secret."

As the May 24 edition of Newsweek reported, after the president was assured by his legal advisers that the Geneva Conventions do not apply to the questioning of such terrorist prisoners, his directive "authorized the CIA to set up a series of secret detention facilities outside the United States, and to question those held in them with unprecedented harshness."

"Nightline" broadcast a news clip where the president declared: "You need to have a president who understands you can't win this war with legal papers. We've got to use every asset at our disposal."

Though most of the media has ignored this story, there has been some earlier coverage on the secret CIA interrogation centers, such as in the Dec. 26, 2002, story by The Washington Post on prisoners in a CIA facility at Bagram Air Force base in Afghanistan. They were systematically subjected to abuses veering on torture. But that story died soon after.

Mr. Bury, speaking of the series of secret CIA prisons beyond the reach of the American rule of law, asked: "Since when are people in American custody allowed simply to disappear into a black hole?"

Appearing on the program was retired FBI agent Jack Cloonan, on the job for 27 years and the senior agent on the FBI's "bin Laden Squad" in New York. Knowing from experience how vital it is to get information from these high-echelon terrorists, Mr. Cloonan also wonders:

"What are we going to do with these people (in the CIA secret prisons) when we're finished exploiting them? Are they gonna disappear? Are they stateless? I mean, what are we gonna explain to people when they start asking questions about where they are? Are they dead? Are they alive? What oversight does Congress have?"

On the same program, Rep. Jane Harman of California, ranking Democrat on the House Intelligence Committee, said that she wants "to save American lives, but I want to do it within the constraints of U.S. and international law ... I think the oversight process in Congress right now is less than it needs to be.

"The people we're fighting don't abide by the rules. But if we don't follow the rule of law, what are we fighting for?"

"Nightline" reporter John McWethy, the principal reporter on the story, said that "a CIA official claims the prisoners are not being tortured. As for the details of where they are being held, exactly how they are being treated and what the U.S. plans to do with them, that is all a secret." When asked why, an official from the CIA explained, that's a secret, too." Now that George Tenet has resigned as head of the CIA, will he disclose some of those secrets in the interest of justice? After all, international treaties we have signed forbid such bottomless secrecy about such prisoners.

What also concerns me as a journalist, is why the great majority of the print, broadcast and other media did not quickly follow up on the "Nightline" report. Later, I asked Mr. Bury if he had seen any meaningful coverage of that program. He had not. Neither did I. But recently, other reports were emerging about the secret prisons — especially Human Rights First's document titled "Ending Secret Detentions."

We did previously find out from the May 16 New York Times that one of most important al Qaeda prisoners, Khalid Shaikh Mohammed, was somewhere "strapped down forcibly, pushed under water and made to believe he might drown."

I can't say I felt terribly sorry for him; but are we ever going to know what else is being done to him, and to others of the CIA's super-secret prisoners? Should we care whether they entirely disappear? Even these mass murderers?

What do you think?

San Francisco Chronicle

June 27, 2004

Pg. 1

U.S. Troops Anticipate Onslaught Of Attacks

By John Koopman, Chronicle Staff Writer

Haditha, Iraq --They call it the "July Surprise."

But to the U.S. troops here, it really won't be a surprise if Iraq erupts into more violence in the month following the transfer of power to a new Iraqi government.

Soldiers and Marines across Iraq are gearing up for what looks like a month of searing heat, constant attacks and suicide bombings. At Iraqi police stations, Marines fill sandbags and bring in extra ammunition. In towns and cities, civil affairs patrols talk to mayors and sheikhs, trying to enlist support for the new government. Marines are stepping up raids against suspected targets, looking for insurgents and weapons caches.

"It's all about deny and disrupt," said Lt. Col. Bryan McCoy, commanding officer of the 3rd Battalion, 4th Marine Regiment.

McCoy's battalion is normally based in Twentynine Palms (San Bernardino County), operates in a wide swath of western Iraq, about halfway between Baghdad and the Syrian border. It's a garden path for Syrian insurgents on their way to such hot spots as Fallujah and Najaf.

Marines go on patrol looking for roadside bombs, work with the local security forces and provide convoy protection along the major supply routes in this sector.

"The prevailing theme is that the insurgents are going to do everything they can to destabilize the Iraqi government," McCoy said in his office next to a dam along the Euphrates River. "They're doing it to support their own agendas, whether it's terrorism, arms sales or crime."

"Well, four years and \$21 billion [in] U.S. assistance later, reality seems more like not relatively soon but relatively never," Ackerman said.

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CHRISTIAN SCIENCE MONITOR

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One Muslim's decision to join the US Army

The US military has stepped up efforts to recruit native speakers of Arabic, Pashto, or Farsi.

By [Alexandra Marks](#) | Staff writer of The Christian Science Monitor

NEW YORK

As soon as Abdel Salam Abdel Salam heard about the attack on the World Trade Center, he went to the supermarket in his Brooklyn neighborhood and bought enough cases of water to fill up his van. He then headed to ground zero and gave it out to anyone who needed it.

This week, the Egyptian-born Muslim-American is embarking on another venture motivated by his desire to help: He's joining the US Army as a translator.

"I want to help the Iraqi people understand what the [American] soldiers are there for," says Mr. Abdel Salam. "To show them there's someone from their culture, who's also from the US, who understands them and wants to help."

With the United States engaged in an unpopular war in a primarily Arabic-speaking country, the US military has significantly stepped up its efforts to recruit Muslim-Americans who are native speakers of Arabic, Pashto, or Farsi. In addition to setting up special outreach programs, it's also hired imams, opened prayer rooms on some bases, and increased military observances of Islamic holidays to assure Muslims they are welcome.

But for many who choose to serve, like Abdel Salam, the decision is ultimately a complex and personal one. It combines deeply held religious beliefs with love of their adopted country and native region, as well as inner conflicts about the validity of the war in Iraq and what role, if any, they should play in it.

"Overall, there is some interest [among Muslim-Americans] in the Army for the usual reasons: career, benefits, and serving my country," says John Zogby, president of the polling group Zogby International, which has interviewed young Muslim-Americans

about their views of the military. "But a key reason ... is being in the position to help. They think: 'If I could go in and stop a situation where someone goes in shooting because they don't understand Arabic, maybe I could help.' "

The US Army doesn't require its service members to declare their religion. But estimates put the number of Muslims serving at about 10,000. Since 9/11, many Muslims have decided against enlisting because of concerns that a bias exists that could limit their career prospects, according to Mr. Zogby.

But Brooklyn has proved to be one of the Army's best recruiting grounds, particularly for Arabic speakers. It has enlisted as many as 20 translators a year. While the war in Iraq is unpopular and polarizing here, as it is elsewhere in the country, recruiters in Brooklyn say there's a pool of immigrants who are very supportive of the war.

"Most of the people I deal with of Arab descent, especially those that have family members in Iraq – they're very much in favor of it," says Capt. Thad Krasnesky, company commander for US Army recruitment in Brooklyn.

Abdel Salam fits that profile. At 6 foot, 1 inch, 260 pounds, with an imposing build, Abdel Salam is aware of the intimidating impact of his large presence. He hopes it can be helpful, if and when he gets sent to Iraq. And he wants to go, very badly. Unlike many of his Arab and Muslim-American neighbors who believe the US is a primary cause of the current chaos in the region, he believes that America has a responsibility to play a role as peacemaker. He's aware that's an unpopular view. But it doesn't bother him, he says, because he grew up in Egypt when Anwar Sadat put out a hand of peace to Israel. At the time Sadat was roundly condemned in the Arab world.

"They may one day call me a traitor.... I'm not going to be surprised to hear it, but I'll ignore it," says Abdel Salam. "They called Sadat a traitor, but now he's a hero. Tomorrow, I'm also going to be the peace-process person."

Raised in the heart of Cairo, Abdel Salam grew up in a prosperous middle-class family. In 1973, when Egypt was at war with Israel, he remembers looking out of the windows from his home at night. The explosions of the bombs on the horizon turned the skies blue. His parents kept trying to put him to bed, but he refused to go. "I said, 'No, I have to see it,'" he says. "It was then I knew I wanted to be a soldier."

But life took him in another direction. He graduated from the Egyptian equivalent of the Merchant Marine Academy and served as a civilian in the merchant marines for several years. Then in 1992, looking for more opportunity, he moved to the United States. He worked as a doorman, took up karate, and eventually opened his own restaurant. Last October, a business dispute led him to close the restaurant. It was then, with the war in Iraq deteriorating, that he decided it was time to return to his original goal.

He contacted the Army recruiting officer in Brooklyn and found out that he was just young enough – three years shy of the 42-year-old age limit. But there was another hurdle: To be qualified, he had to lose 80 pounds. And so he did.

"I'm proud to be an Egyptian, I'm proud to be an American, and I'm proud of what I'm doing," he says.

But some Muslim-American veterans warn that despite Abdel Salam's optimism, he will face an undercurrent of distrust in the Army simply because he is a Muslim. Capt. James Yee, a West Point graduate who converted to Islam, says he experienced that firsthand. He was one of the Army's first and most high-profile imams and served at Guantánamo Bay. In 2003, when on his way home for leave, he was arrested and charged with espionage. He was put in solitary confinement for 72 days. Captain Yee was then released, and eventually all charges were dropped. When he resigned, he was given an honorable discharge and a meritorious service award. The inspector general is now investigating the Defense Department's handling of his case.

"There's still an extreme amount of Islamophobia in the United States, including in the military," says Yee. "Anyone who's considering joining should thoroughly educate themselves because when you do join, if you decide that it's not for you, you can't just quit."

★ Many other Muslim- American veterans believe the Army botched Yee's case and in doing so significantly set back efforts to recruit Muslims. The abuse scandal at Abu Ghraib, the torture allegations at secret overseas CIA prisons, and the treatment of prisoners of Guantánamo have also significantly undermined recruiting efforts, according to Zogby.

Yet at the same time, Muslim-American veterans believe the Army has made significant strides. "The military right now doesn't have as big a problem as in 1965 when I first joined," says Abdul Aziz-Shaheed, assistant commander of the Muslim American Veterans Association in Washington. "Then if you were anything other than mainstream Christian, you were singled out."

But Yee is less optimistic, saying the progress is superficial at best.

Still, Abdel Salam is trusting in the positive. He recognizes, though, that some of the people he'll be dealing with have never dealt with an Arab-American Muslim before. He's prepared to respond to anyone who may distrust him because he prays to Allah.

"I'll use humor. I'll show them I'm just like them," says Abdel Salam. "Christian, Muslim, it doesn't matter: We're all people. And we all want the same thing – peace and a better world."

USA TODAY

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While not achieving maximal Kurdish aspirations to reclaim all of Kirkuk under their control, a special status would advance much of the Kurdish agenda without crossing Turkish red lines. It would also stimulate much-needed dialogue with Kirkuk's sizeable non-Kurdish minority, roughly 40% of the population.

As for oil, the Kurds have been a major obstacle to a comprehensive package on production and revenue-sharing necessary for a political settlement in Iraq as a whole. In July, a breakthrough seemed close, but fell apart largely over Kurdish concerns about their autonomy to enter into contracts unfettered by Baghdad. Likewise, the question of whether Kirkuk's oil and gas is from "current fields" (subject to sharing with others in Iraq) or "new fields" (possibly exempt from the same kind of sharing) is another nettlesome question that has so far defied resolution.

Up to now, Kurdish leaders have adroitly played their role as "kingmaker" in Baghdad -- helping determine which Shiite leader governs Iraq in exchange for freedom to assert their demands on oil and Kirkuk. Now, these same Kurdish leaders, facing their most serious crisis since the U.S. invasion in 2003, might be more willing to listen to creative, carefully crafted proposals from Washington.

An oil deal addressing Kurdish concerns about interference from Baghdad, while providing firm guarantees about production and revenue sharing, is certainly possible. And a breakthrough on oil could advance discussions on the other political questions. Progress on Kirkuk might make possible a badly needed conversation in Baghdad on political arrangements to accommodate the concerns of the capital's mixed populations (such as helping people to relocate safely if they feel the need), while acknowledging the reality, as seen in Kirkuk, that the country's demographics have been altered by war.

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Saturday, November 03, 2007

WASHINGTON POST

Blackwater's Owner Has Spies for Hire

Ex-U.S. Operatives Dot Firm's Roster

By Dana Hedgpeth
Washington Post Staff Writer
Saturday, November 3, 2007; A01

First it became a brand name in security for its work in Iraq and Afghanistan. Now it's taking on intelligence.

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The Prince Group, the holding company that owns Blackwater Worldwide, has been building an operation that will sniff out intelligence about natural disasters, business-friendly governments, overseas regulations and global political developments for clients in industry and government.

The operation, Total Intelligence Solutions, has assembled a roster of former spooks -- high-ranking figures from agencies such as the CIA and defense intelligence -- that mirrors the slate of former military officials who run Blackwater. Its chairman is Cofer Black, the former head of counterterrorism at CIA known for his leading role in many of the agency's more controversial programs, including the rendition and interrogation of al-Qaeda suspects and the detention of some of them in secret prisons overseas. ★

Its chief executive is Robert Richer, a former CIA associate deputy director of operations who was heavily involved in running the agency's role in the Iraq war.

Total Intelligence Solutions is one of a growing number of companies that offer intelligence services such as risk analysis to companies and governments. Because of its roster and its ties to owner Erik Prince, the multimillionaire former Navy SEAL, the company's thrust into this world highlights the blurring of lines between government, industry and activities formerly reserved for agents operating in the shadows.

Richer, for instance, once served as the chief of the CIA's Near East division and is said to have ties to King Abdullah of Jordan. The CIA had spent millions helping train Jordan's intelligence service in exchange for information. Now Jordan has hired Blackwater to train its special forces.

"Cofer can open doors," said Richer, who served 22 years at the CIA. "I can open doors. We can generally get in to see who we need to see. We don't help pay bribes. We do everything within the law, but we can deal with the right minister or person."

Total Intel, as the company is known, is bringing "the skills traditionally honed by CIA operatives directly to the board room," Black said. Black had a 28-year career with the CIA.

"They have the skills and background to do anything anyone wants," said RJ Hillhouse, who writes a national security blog called The Spy Who Billed Me. "There's no oversight. They're an independent company offering freelance espionage services. They're rent-a-spies."

The heart of Total Intel operations is a suite on the ninth floor of an office tower in Ballston, patterned after the CIA counterterrorist center Black once ran, with analysts sitting at cubicles in the center of the room and glass offices of senior executives on the perimeter.

A handful of analysts in their 20s and 30s sit hunched over Macintosh computers, scanning Web sites, databases, newspapers and chat rooms. The lights are dimmed. Three large-screen TVs play in the background, one tuned to al-Jazeera.

The room, called the Global Fusion Center, is staffed around the clock, as analysts search for warnings on everything from terrorist plots on radical Islamic Web sites to possible political upheavals in Asia, labor strikes in South America and Europe, and economic upheavals that could affect a company's business.

"We're not a private detective," Black said. "We provide intelligence to our clients. It's not about taking pictures. It's business intelligence. We collect all information that's publicly available. This is a completely legal enterprise. We break no laws. We don't go anywhere near breaking laws. We don't have to."

Total Intel was launched in February by Prince, who a decade ago opened a law enforcement training center in Moyock, N.C., that has since grown into a half-billion-dollar business called Blackwater Worldwide. Prince has nine other companies and subsidiaries in his Prince Group empire, offering a broad range of security and training services. (One, Blackwater Security Consulting, is under scrutiny because of a Sept. 16 shooting incident in Iraq that involved some of its armed guards and in which 17 Iraqi civilians were killed.) Prince built Total Intel by buying two companies owned by Matt Devost, the Terrorism Research Center and Technical Defense, and merging them with Black's consulting group, the Black Group. Devost, a cyber security and risk management expert, is now president of Total Intel.

Devost runs day-to-day operations, overseeing 65 full-time employees. At the Global Fusion Center, young analysts monitor activities in more than 60 countries. They include a 25-year-old Fulbright scholar fluent in Arabic and another person with a master's degree in international affairs, focused on the Middle East, who tracks the oil industry and security in Saudi Arabia.

Black and Richer spend much of their time traveling. They won't say where. It's a CIA thing. Black called at midnight recently to talk about Total Intel from "somewhere in the Middle East."

"I don't spend a lot of time telling people where I am as part of my business," he said. "I am discreet in where I go and who I see. I spend most of my time dealing with senior people in governments, making connections."

Black, who also serves as vice chairman of Blackwater Worldwide, said he also does "a lot more mundane things like go to conferences and trade shows," looking for business opportunities. "I'm going to have to go," he said. "My guy is motioning for me. I have to go meet people."

Who?

People.

Government people? Business people?

All kinds.

The company won't reveal its financial information, the names of its customers or other details of its business. Even looking at an analyst's screen at its Global Fusion Center wasn't allowed.

"No, no," Richer said, putting his hands up. "There may be customers' names on there. We don't want you to see."

In their conference room overlooking the Global Fusion Center, Total Intel executives fired off a list of some of their work. Are some recent bombings at major cities in India isolated incidents or should you pull your personnel out? What are the political developments in Pakistan going to mean for your business? Is your company popping up on jihadist Web sites? There's been crime recently in the ports of Mexico, possibly by rogue police officers. Is the government going to be able to ensure safety?

Since 2000, the Terrorism Research Center portion of the company has done \$1.5 million worth of contracts with the government, mainly from agencies like the Army, Navy, Air Force, Customs and the U.S. Special Operations Command buying its data subscription or other services.

To Black and Richer, one of the most surprising things about being in the private sector is finding that much of the information they once considered top secret is publicly available. The trick, Richer said, is knowing where to look.

"In a classified area, there's an assumption that if it is open, it can't be as good as if you stole it," Richer said. "I'm seeing that at least 80 percent of what we stole was open."

As he's no longer with the CIA, Richer said he's found that people are more willing to share information. He said a military general in a country he would not name told him of the country's plan to build its next strike fighter. "I listened," Richer said.

"We talked business and where we could help him understand markets and things like that." At the end of the conversation, Richer said, he asked the man, "Isn't that classified? Why are you telling me this?"

Richer said the man answered, "If I tell it to an embassy official I've created espionage. You're a business partner."

Staff researcher Julie Tate contributed to this report.

WASHINGTON POST

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The Ongoing Hunt for Osama bin Laden
He's still out there. The hunt for bin Laden.
By Evan Thomas
Newsweek

Sept. 3, 2007 issue - The Americans were getting close. It was early in the winter of 2004-05, and Osama bin Laden and his entourage were holed up in a mountain hideaway along the Afghanistan-Pakistan border. Suddenly, a sentry, posted several kilometers away, spotted a patrol of U.S. soldiers who seemed to be heading straight for bin Laden's redoubt. The sentry radioed an alert, and word quickly passed among the Qaeda leader's 40-odd bodyguards to prepare to remove "the Sheik," as bin Laden is known to his followers, to a fallback position. As Sheik Said, a senior Egyptian Qaeda operative, later told the story, the anxiety level was so high that the bodyguards were close to using the code word to kill bin Laden and commit suicide. According to Said, bin Laden had decreed that he would never be captured. "If there's a 99 percent risk of the Sheik's being captured, he told his men that they should all die and martyr him as well," Said told Omar Farooqi, a Taliban liaison officer to Al Qaeda who spoke to a NEWSWEEK reporter in Afghanistan.

The secret word was never given. As the Qaeda sentry watched the U.S. troops, the patrol started moving in a different direction. Bin Laden's men later concluded that the soldiers had nearly stumbled on their hideout by accident. (One former U.S. intelligence officer told NEWSWEEK that he was aware of official reporting on this incident.)

And so it has gone for six years. American intelligence officials interviewed by NEWSWEEK ruefully agree that the hunt to find bin Laden has been more a game of chance than good or "actionable" intelligence. Since bin Laden slipped away from Tora Bora in December 2001, U.S. intelligence has never had better than a 50-50 certainty about his whereabouts. "There hasn't been a serious lead on Osama bin Laden since early 2002," says Bruce Riedel, who recently retired as a South Asia expert at the CIA. "What we're doing now is shooting in the dark in outer space. The chances of hitting anything are zero."

How can that be? With all its spy satellites and aerial drones, killer commandos and millions in reward money, why can't the world's greatest superpower find a middle-aged, possibly ill, religious fanatic with a medieval mind-set? The short answer, sometimes overlooked, is that good, real-time intelligence about the enemy is hard to come by in any war, and manhunts are almost always difficult, especially if the fugitive can vanish into a remote region with a sympathetic population. (Think how long—five years—it took the FBI to track down Eric Rudolph, the Atlanta Olympic bomber, in the wilds of North Carolina.) That said, the U.S. government has made the job harder than necessary. The Iraq War drained resources from the hunt, and some old bureaucratic bugaboos—turf battles and fear of risk—undermined the effort. The United States can't just barge into Pakistan without upsetting, and possibly dooming, President Pervez Musharraf, who seems to lurch between trying to appease his enemies and riling them with heavy-handed repression.

The story of the search for the men known to American spies and soldiers as high-value targets one and two (HVT 1 and HVT 2)—Osama bin Laden and his possibly more dangerous No. 2, Ayman al-Zawahiri—is a frustrating, at times agonizing, tale of missed opportunities, damned-if-you-do, damned-if-you-don't choices, and outright blunders. It has been related to NEWSWEEK by dozens of American, Pakistani and Afghan military and intelligence officials, as well as a few Qaeda sympathizers like Omar Farooqi. Capturing bin Laden "continues to be a huge priority," says Frances Fragos Townsend, President George W. Bush's chief counterterror adviser. It may be true, as Townsend points out, that Qaeda leaders do not have anything like the safe haven they enjoyed in Afghanistan before 9/11. But it is also true that Al Qaeda has been reconstituting itself in the mountains of Pakistan and Afghanistan, and that the terrorist organization is determined to stage more 9/11s, and maybe soon. "We have very strong indicators that Al Qaeda is planning to attack the West and is likely to attack, and we are pretty sure about that," says retired Vice Adm. John Redd, chief of the National Counterterrorism Center, which coordinates all U.S. intelligence in the so-called Global War on Terror (GWOT). Hank Crumpton, who ran the CIA's early hunt for bin Laden in 2001-02 as deputy chief of the agency's counterterrorism center and recently retired as the State Department's coordinator of counterterrorism, says, "It's bad; it's going to come."

Before 9/11, the hunt for bin Laden was marked by a certain tentativeness, an official reluctance to suck America into the dirty business of political assassination or to get U.S. troops killed. Within days after 9/11, President Bush was vowing to capture bin Laden "dead or alive," and Cofer Black, the CIA's counterterror chief at the time, was ordering his troops to bring back bin Laden's head "in a box." (In fact, CIA operatives in Afghanistan requested a box and dry ice, just in case.) With old-fashioned derring-do, CIA case officers, carrying millions of dollars, choppered into Afghanistan to work with tribesmen to drive out Al Qaeda and its Taliban hosts. The CIA's alacrity caused some heartburn at the Pentagon. According to Bob Woodward's "Bush at War," Defense Secretary Donald Rumsfeld steamed impatiently while the military seemed to dither, stymied by weather and fussing with complex backup and rescue arrangements before the brass would commit any troops.

Rumsfeld's foot-stamping was rewarded. By mid-October, CIA case officers and Army, Navy, and Air Force Special Operations units were working together in unusual harmony, using high-tech air support and, at one point, mounting what Rumsfeld gleefully called "the first cavalry charge of the 21st century" to kill, capture or chase away thousands of jihadists. The Taliban fled for the hills. Bin Laden, it seemed, would be cornered. Indeed, on Dec. 15, CIA operatives listening on a captured jihadist radio could hear bin Laden himself say "Forgive me" to his followers, pinned down in their mountain caves near Tora Bora.

As it happened, however, the hunt for bin Laden was unraveling on the very same day. As recalled by Gary Berntsen, the CIA officer in charge of the covert team working with the Northern Alliance, code-named Jawbreaker, the military refused his pleas for 800 Army Rangers to cut off bin Laden's escape. Maj. Gen. Dell Dailey, the Special Ops commander sent out by Central Command, told Berntsen he was doing an "excellent

job," but that putting in ground troops might offend America's Afghan allies. "I don't give a damn about offending our allies!" Berntsen yelled, according to his 2005 book, "Jawbreaker." "I only care about eliminating Al Qaeda and delivering bin Laden's head in a box!" (Dailey, now the State Department's counterterror chief, told NEWSWEEK that he did not want to discuss the incident, except to say that Berntsen's story is "unsubstantiated.")

Berntsen went to Crumpton, his boss at the CIA, who described to NEWSWEEK his frantic efforts to appeal to higher authority. Crumpton called CENTCOM's commander, Gen. Tommy Franks. It would take "weeks" to mobilize a force, Franks responded, and the harsh, snowy terrain was too difficult and the odds of getting bin Laden not worth the risk. Frustrated, Crumpton went to the White House and rolled out maps of the Pakistani-Afghan border on a small conference table. President Bush wanted to know if the Pakistanis could sweep up Al Qaeda on the other side. "No, sir," Crumpton responded. (Vice President Dick Cheney did not say a word, Crumpton recalled.) The meeting was inconclusive. Franks, who declined to comment, has written in his memoirs that he decided, along with Rumsfeld, that to send troops into the mountains would risk repeating the mistake of the Soviets, who were trapped and routed by jihadist guerrilla fighters in the 1980s (helped out, it should be recalled, with Stinger missiles provided by the CIA).

To catch bin Laden, the CIA was left to lean on local tribesmen, a slender reed. NEWSWEEK recently interviewed two of the three tribal chiefs involved in the operation, Hajji Zahir and Hajji Zaman. They claimed that the CIA overly relied on the third chieftain, Hazrat Ali—and that Ali was paid off (to the tune of \$6 million) by Al Qaeda to let bin Laden slip away. Ali could not be reached for comment. But Crumpton, who admits that he has no hard evidence, told NEWSWEEK he is "confident" that a payoff allowed Al Qaeda to escape. Unsure which side would win, some tribesmen apparently hedged by taking money from both sides.

Bin Laden was not so much seeking refuge as coming home when he disappeared into the jagged peaks along the frontier of northwest Pakistan. He had always liked hunting and horseback riding in the mountains, and had even built himself a crude swimming pool with a spectacular view near Tora Bora. Though a wealthy Saudi, bin Laden had long since learned to live close to the ground, abjuring his followers to learn to survive without modern comforts like plumbing or air conditioning.

Local Pashtun tribesmen were not about to turn bin Laden in for a reward, even a \$25 million one. The strictly observed custom of defending guests, part of an ancient honor code called Pashtunwali, insulated Al Qaeda. The Pakistan central government could do little to crack this social system. The wilds of the Federally Administered Tribal Area (FATA) have been virtually ungovernable for centuries. The British Raj failed, and the Pakistan government never tried very hard, leaving administration up to federally appointed tribal agents and law enforcement in the hands of a local constabulary of dubious loyalty. In the 1980s, during the insurrection against Soviet rule in Afghanistan, the tribal agencies were a kind of staging area for jihadists like bin Laden. Saudi money

built hundreds of madrassas—fundamentalist schools that radicalized local youth—and Pakistani intelligence (the ISI) formed alliances with the jihadists to subvert the Soviet-backed Afghan regime.

The American effort to chase bin Laden into this forbidding realm was hobbled and clumsy from the start. While the terrain required deep local knowledge and small units, career officers in the U.S. military have long been wary of the Special Operations Forces best suited to the task. In the view of the regular military, such "snake eaters" have tended to be troublesome, resistant to spit-and-polish discipline and rulebooks. Rather than send the snake eaters to poke around mountain caves and mud-walled compounds, the U.S. military wanted to fight on a grander stage, where it could show off its mobility and firepower. To the civilian bosses at the Pentagon and the eager-to-please top brass, Iraq was a much better target. By invading Iraq, the United States would give the Islamists—and the wider world—an unforgettable lesson in American power. Former House Speaker Newt Gingrich was on Rumsfeld's Defense Policy Board and, at the time, a close confidant of the SecDef. In November 2001, Gingrich told a NEWSWEEK reporter, "There's a feeling we've got to do something that counts—and bombing caves is not something that counts."

When Franks refused to send Army Rangers into the mountains at Tora Bora, he was already in the early stages of planning for the next war. By early 2002, new Predators—aircraft drones that might have helped the search for bin Laden—were instead being diverted off the assembly line for possible use in Iraq. The military's most elite commando unit, Delta Force, was transferred from Afghanistan to prep for the invasion of Iraq. The Fifth Special Forces Group, including the best Arabic speakers, was sent home to retool for Iraq, replaced by the Seventh Special Forces Group—Spanish speakers with mostly Latin American experience. The most knowledgeable CIA case officers, the ones with tribal contacts, were rotated out. Replacing a fluent Arabic speaker and intellectual, the new CIA station chief in Kabul was a stickler for starting meetings on time (his own watch was always seven minutes fast) but allowed that he had read only one book on Afghanistan. One slightly bitter spook, speaking anonymously to NEWSWEEK to protect his identity, likened the station chief to Captain Queeg in "The Caine Mutiny." (CIA spokesman Paul Gimigliano insists "station chiefs go through a rigorous, multistep selection process, designed to get leaders with the right skills in the right places.")

The frustrations of the snake eaters are well illustrated by the recollections of Adam Rice, the operations sergeant of a Special Forces A-Team working out of a safe house near Kandahar in 2002. With his close-cropped orange hair and beard, wearing a yellow Hawaiian shirt around the safe house, Rice was not the sort to shine at inspections at boot camp. But he had lived in Kabul as a child (his father had been a USAID worker) and he had been a Special Forces operator for more than two decades. In July 2002, a CIA case officer told Rice that a figure believed to be Mullah Omar, the one-eyed chief of the Taliban, had been tracked by aerial drone to a location in the Shahikot Valley, a short flight to the north. The Taliban chief and his entourage would be vulnerable to a helicopter assault, but the Americans had to move quickly.

Rice was not optimistic about getting timely permission. Whenever he and his men moved within five kilometers of the safe house, he says, they had to file a request form known as a 5-W, spelling out the who, what, when, where and why of the mission. Permission from headquarters took hours, and if shooting might be involved, it was often denied. To go beyond five kilometers required a CONOP (for "concept of operations") that was much more elaborate and required approval from two layers in the field, and finally the Joint Special Operations Task Force at Baghram air base near Kabul. To get into a fire fight, the permission of a three-star general was necessary. "That process could take days," Rice recalled to NEWSWEEK. He often typed forms while sitting on a 55-gallon drum his men had cut in half to make a toilet seat. "We'd be typing in 130-degree heat while we're crapping away with bacillary dysentery and sometimes the brass at Kandahar or Baghram would kick back and tell you the spelling was incorrect, that you weren't using the tab to delimit the form correctly."

But Rice made his request anyway. Days passed with no word. The window closed; the target—whether Mullah Omar or not—moved on. Rice blames risk aversion in career officers, whose promotions require spotless ("zero defect") records—no mistakes, no bad luck, no "flaps." The cautious mind-set changed for a time after 9/11, but quickly settled back in. High-tech communication serves to clog, rather than speed the process. With worldwide satellite communications, high-level commanders back at the base or in Washington can second-guess even minor decisions.

In Pakistan, President Musharraf was wary of his American allies in the War on Terror. In 2002, he told a high-ranking British official: "My great concern is that one day the United States is going to desert me. They always desert their friends." According to this official, who declined to be identified sharing a confidence, Musharraf cited the U.S. pullouts from Vietnam in the 1970s, Lebanon in the 1980s and Somalia in the 1990s. Still, he quickly gave the Americans considerable leeway to operate inside Pakistan. He did not demand prior approval of Predator attacks, and he allowed "hot pursuit" for American forces five kilometers or more inside the border. (With a grim laugh, one U.S. officer interviewed by NEWSWEEK recalled watching on Predator video as insurgents fled across the border and stopped on what they thought was safe terrain—until a U.S. Special Ops helo reared up and blasted them.) Musharraf told the Americans he understood that they would do what they had to do to attack high-value targets, although he indicated the Pakistanis might have to issue pro forma denunciations. His one request, said a U.S. official who dealt directly with the Pakistani leader, was that bin Laden not be captured alive and be brought to trial in Pakistan.

The cooperation has resulted in some high-profile successes. Working with the Pakistani police, the CIA and FBI helped to capture "KSM"—Khalid Sheikh Mohammed, Al Qaeda's operations chief and mastermind of the 9/11 attacks—at a house in Quetta, a city near the Afghan border, on March 1, 2003. Mohammed Naeem Noor Khan, a Qaeda communications expert, was picked up in Karachi in 2004 (and released, to the immense frustration of American officials, last week by the Pakistan government without ever having been formally charged with a crime). KSM's successor as chief of operations, Abu Faraj al-Libbi, was seized in May 2005. Qaeda officials who came down out of the

mountains to make contact with jihadists risked exposure, especially if they were at all careless about using cell phones that could be tracked.

But the mountains themselves have remained virtually impenetrable. After Al Qaeda twice tried to assassinate Musharraf in 2003, the Pakistani leader decided he had no choice but to go after the jihadists in their lair. Generals blustered about trapping bin Laden between a "hammer" (American forces operating out of Afghanistan) and an "anvil" (the Pakistani military). Pakistani tanks and helicopter gunships began to rumble and roar into the northwestern territories. But despite periodic claims of success, the fighting on the ground went badly. The Pakistani forces had been trained to fight on the plains of Punjab against the Indian Army. They were not well suited for guerrilla war and sustained heavy casualties. More broadly, questions remain about the loyalties of the Frontier Constabulary, the militia responsible for security in the tribal areas. A Western military officer with experience on both sides of the Pakistan-Afghanistan border says that FC troops often fail to warn U.S. units of militants crossing over into Afghanistan; in May 2006 one FC soldier even shot and killed an American officer in Pakistan. Musharraf can rightly claim to have purged the ISI of agents with lingering Taliban and Qaeda sympathies, but the Western officer claims that several of those former agents are now unofficially aiding their former charges.

The Iraq War, meanwhile, has proved to be a black hole for the Americans, devouring men and matériel and absorbing the attention of the brass in Washington. In 2005, the CIA gave President Bush a secret slide show on the hunt for bin Laden. The president was taken aback by the small number of CIA case officers posted to Afghanistan and Pakistan. "Is that all there are?" the president asked, according to a former intelligence official, who declined to be identified discussing White House meetings. The CIA had already embarked on a "surge" of sorts, and doubled the number of officers in the field. But many were inexperienced and raw recruits, and they produced little improvement in "actionable" intelligence.

CIA officials at Langley were anxiously watching their flank. At the Pentagon, Rumsfeld, vexed by the CIA's inability to provide actionable intel, had been pushing to get Special Forces into clandestine operations and gathering of human intelligence (HUMINT). Under an "execute order" approved by President Bush in July 2005, the Pentagon identified 350 Qaeda targets globally, including senior leaders, recruiters, financiers and couriers, according to a high-ranking Defense official who, like others quoted anonymously in this story, did not wish to be identified revealing such matters. The CIA naturally resisted this invasion of its turf. Congressmen and ambassadors grumbled that they were being kept in the dark about the military's black ops.

The Defense official claims that "the Horn of Africa has been a fruitful place" for missions. But when it came to going after the top Qaeda leadership along the Pakistan border, the military was still dogged by poor intelligence and risk aversion. These two chronic failings combined to undo what may have been America's best shot at killing or capturing some top Qaeda leaders since the escape at Tora Bora.

In late 2005, the CIA and the Pentagon's Joint Special Operations Command came up with intelligence that gave them "80 percent confidence" that either Zawahiri, bin Laden's longtime sidekick, or another of bin Laden's highest-ranking lieutenants would be attending a meeting in a small compound just inside Pakistan along its northern border with Afghanistan. "This was the best intelligence picture we had ever seen" about a so-called HVT, said a former intelligence official who was involved in the operation. The spooks and Special Operations Forces planned an airborne commando raid that could have been produced by Jerry Bruckheimer. Some 30 U.S. Navy SEALs were to be flown by C-130 transport planes, under cover of darkness, to a spot high above the Afghan side of the Pakistan border, about 30 to 40 miles away from the target. The SEALs would jump from the plane and use parasails—motorized hang gliders—to fly through the night sky, across the mountains, to a secret staging point close to the compound. They would attack the target and capture Zawahiri or whatever other HVTs were on the premises, killing them only if necessary. The SEALs would then spirit their captives away to another staging point, where two CH-53 helicopters awaited to airlift them back to Afghanistan.

The plan was enthusiastically endorsed by the then CIA Director Porter Goss and JSOC Commander Stanley McChrystal, who was a major at the time. But when the Pentagon's civilian leadership, including Rumsfeld and his principal intelligence adviser, Under Secretary Steve Cambone, pored over the plan, they began raising questions. Was the intelligence good enough to justify the risk to U.S. troops and the possible blowback on Musharraf if the mission went bad? "Can't you get the confidence up to 100 percent?" Pentagon officials asked their CIA counterparts, eliciting frustrated eye-rolling in return, according to the former intelligence officer interviewed by NEWSWEEK. According to a former Defense official close to Rumsfeld, a familiar Pentagon planning maxim had already kicked in: the more uncertain the intelligence, the more precautions the military wants to take. The top brass was asking, were two helicopters really sufficient to extract the SEALs? What if one was shot down or had mechanical problems? Images of the failed 1980 Iranian hostage-rescue mission came to mind. Or Rangers fighting their way through Mogadishu to rescue trapped commandos in the 1993 fiasco known as Blackhawk Down. In order to bolster the rescue part of the plan, JSOC proposed sending in teams of Army Rangers to add security. As discussions continued, the size of the Ranger team grew to 150, about five times the size of the initial commando force.

To Rumsfeld, the operations began to seem more and more like an invasion of Pakistan. Musharraf would have to be consulted, or at least informed. But did that mean his unreliable intelligence service, the ISI, would leak the plan to Al Qaeda? The official close to Rumsfeld says that the SecDef became increasingly wary as he weighed potential risk against reward.

But time was of the essence. The C-130s were circling over the border, the SEALs were ready to jump, while Rumsfeld was still deliberating with the top brass. CIA Director Goss went to the Pentagon to implore him to go ahead. At the last minute Rumsfeld called off the raid. "Believe me, if this had been easy and there were certainty, we'd have done this," says the former Rumsfeld adviser. "There just wasn't certainty."

Certainty is painfully hard to achieve in this hunt, despite America's enormous technological edge. American spy satellites, designed for the cold war against the Soviets, don't have antennas sensitive enough to pick up cell-phone or handheld radio transmissions. So Special Ops teams—known as Task Force Orange—have slipped into the tribal areas to plant listening devices on various peaks. The listening posts have been useful, in several cases pinpointing the locations of Qaeda operatives. But the jihadists have adapted, and use codes to disguise the kind of actionable information the hunters need.

The common saying among intelligence and Special Ops officers is that all the thugs have been killed by now—but the smart guys have survived, and become smarter. Predators have scored some hits, including killing Abu Hamza Rabia, another Qaeda operations chief (al-Libbi's successor), in 2005. (To cloak American involvement, the Pakistani government cooked up the story that Rabia had blown himself up experimenting with explosives.) But the jihadists have learned to avoid the drones: it's easier to hear a Predator, which sounds like a loud model airplane, in the Pakistani hill country than in an Iraqi city. And when the Americans shoot and miss, the consequences can be grave. In January 2006, a Predator fired a Hellfire missile at a house in Damadola, Pakistan, where Zawahiri was supposed to be meeting. Once again, the intel was unreliable; Zawahiri was not there, but more than a dozen civilians were killed, and the survivors were enraged.

By 2006, Musharraf was weary. American focus on Afghanistan was fading; the war in the territories was costly in terms of lives and public sentiment; the jihadists were starting to spill into the cities. The president of Pakistan decided to cut his losses, and in September 2006, his local governor signed a peace deal with tribal militants.

Al Qaeda did not hesitate to assert itself. Jihadists paraded brazenly in Waziristan, dragging "criminals" through the streets. American satellite photos soon showed single files of foreign jihadists, their feet sometimes wrapped in plastic bags against the snow, crossing the Pakistani border into Afghanistan. An Algerian man known as "the Bombmaker," a seasoned veteran of Iraq, set up shop to teach jihadists how to build IEDs. Local militants ruled through assassination and intimidation. The experienced Western military official interviewed by NEWSWEEK described how militants killed a petty merchant and his entire family simply for selling watermelons to the local constabulary. "Imagine what they'd do to the guy who sells out Osama," said the officer.

In late 2006 and early 2007, anxious top American policymakers, including Vice President Cheney and Defense Secretary Robert Gates, traveled to Pakistan to persuade Musharraf to renew his military operations along the frontier. "There is no question the peace agreement failed Pakistan and it failed us," said Townsend, the White House counterterror chief. The Pakistani president was in a difficult position, risking his unpopular and shaky regime if he cracked down on the jihadists and risking it if he didn't. Once more, Sisyphus began to roll the stone up the hill: Musharraf ordered 20,000 soldiers to march into the territories, to reinforce the 80,000 who were already there. But "I don't think the Pakistani military is going to move wholeheartedly against Al Qaeda," a

knowledgeable Pakistani military source told NEWSWEEK. "I don't think their hearts are in it." The tough talk by American politicians calling for unilateral action is not helping matters, says retired Pakistani Army Lt. Gen. Talat Masood, a well-regarded moderate. "It's very humiliating for civilians and the military alike," he says. (Mahmud Ali Durrani, Pakistan's ambassador to Washington, insisted that Pakistan is doing more than the United States to attack Al Qaeda. "The threat to us is far greater," he said.)

U.S. Special Operations Forces have had considerable practice by now chasing jihadists in Iraq and Afghanistan. The JSOC headquarters at Baghram is so full of high-tech listening and tracking equipment that it resembles "something out of 'Star Wars'," says a Pentagon official who has seen the place. In recent months, says John Arquilla, a Special Ops expert at the Naval Postgraduate School in Monterey, Calif., the U.S. military has achieved a 100-to-1 kill ratio (100 dead guerrillas to every American). But by calling in airstrikes, the Americans also kill a lot of civilians, which breeds more jihadists. And according to Thomas Johnson, also at the Naval Postgraduate School, the military's continued fixation on body counts and kill ratios is irrelevant and even counterproductive. "When you kill a person it's a multiplication factor. It demands that all the male relatives join the fight."

The Americans will not find top Qaeda leaders unless they can win the trust of local tribesmen who may know their whereabouts. Johnson, an Afghan expert, spent last February at Forward Operating Base Salerno near the Pakistan border, briefing commanders on the tribal custom of Pashtunwali. He says only about 5 percent of American troops in Afghanistan ever leave their bases—a statistic, he believes, that explains better than any other why Americans are struggling in the battle for intelligence. He says most soldiers in Afghanistan don't know simple phrases like "stop," "go," or "put your hands up." Americans continually make cultural blunders, like using canine units to search people's homes (dogs are considered unclean in Muslim culture). Meanwhile the Taliban works at winning the trust and confidence of villagers—or intimidating them. "They go into villages and say, 'The Americans have the watches but we have the time. We might not come back in a week or a year, but you bet your britches we'll eventually come back'," says Johnson.

The American military, understandably, puts a high priority on "force protection," but as a practical matter that means staying behind armor and barricades. Rice, the A-Team sergeant stuck in his safe house near Kandahar, recalls that his team's frustration peaked when a memo came down from the brass at Baghram, ordering men not to initiate fire fights and even not to use words like "death" and "destruction" in their CONOPS. Among Rice's men, it became known as the "limp dick memo." (The Defense Department declined to comment specifically on Rice's memories.)

The American military is forever caught in a dilemma. During the early days of the cold war, the old boys who ran the CIA began to reason that when it came to fighting against an underhanded foe in a battle for global survival, the rules of fair play they had learned as schoolboys no longer applied. If the communists fight dirty, we must, too, they rationalized—or freedom would perish. This ends-justifying-the-means rationale led to

★ foolish and ultimately unsuccessful assassination plots and other dirty tricks that disgraced and demoralized the CIA when the agency's so-called Crown Jewels were revealed during Watergate. After 9/11, Bush administration officials, particularly Vice President Cheney, vowed to take the gloves off against Al Qaeda. But in the aftermath of allegations of torture in secret prisons, there has been a strong push back, particularly among administration lawyers disturbed by the abuse of constitutional rights. According to knowledgeable sources, Rumsfeld's deputy for intelligence, Steve Cambone, engaged in an angry debate with the Pentagon's top lawyer, William Haynes, over the activities of U.S. Special Forces—who in the minds of some government lawyers and lawmakers have been given too much, not too little, license to roam.

The frustrations at the top are understandable. There is a certain desperate quality to the hunt for bin Laden. Some experts think he's constantly on the move; others believe he must be holed up somewhere, never using electronics, impossible to detect. After the close call in 2004, says Omar Farooqi, "the Sheik" shrank his security staff and employed only faithful Arabs. A Western military official who has worked both sides of the Afghan-Pakistani border told NEWSWEEK that bin Laden may have deployed small groups of bodyguards spread along the frontier with the same "signature": small security detail, secretive, saying little to local villagers, always moving on. That's a perfect disinformation campaign, says the official. The nearby locals start whispering that bin Laden must be nearby. "Word gets around that it must have been him," he says. "We react. It throws us off the trail and makes us waste assets following bad leads. And it's a cheap and easy way to do."

No wonder the intelligence community is reaching out to anyone who can glean even a hint of bin Laden's whereabouts. As early as November 2001, John Shroder, a geographer at the University of Nebraska, found himself addressing an audience of intelligence officials, analyzing the rock formations behind bin Laden in a video released that October. About all he could do was tell the spooks that bin Laden seemed to be in the western part of Afghanistan's Spin Ghar Mountains. "We were grasping at straws," says Michael Scheuer, who was special adviser to the head of the CIA's bin Laden unit at the time. "We called in geologists. We had the Germans bring in ornithologists because they thought they heard a bird chirping on a video and wanted to see if it was particular to certain regions of South Asia." The agency enlisted doctors to look for signs of kidney disease, which bin Laden was rumored to be suffering from at the time. A Dec. 27, 2001, video, nicknamed by analysts "the Gaunt Tape," shows a haggard-looking bin Laden, who seems to be unable to move his left arm. "But the doctors couldn't pinpoint any problems with his health," says Scheuer.

CIA analysts began calling bin Laden "Elvis" because he was here, there, but really nowhere. Some wonder if he's dead. He has not issued a video since the end of 2004, and he has not been heard on an audiotape for more than a year. It is possible he is incapacitated by disease—the rumors of kidney problems persist. There have been reports that bin Laden has sought medication to be used in the terminal stages of kidney disease. But "I don't have any reason to think he's dead," says Townsend, who sees all the intelligence coming to the office of the president. "It's inconceivable to me to think that

he would expire and we wouldn't have some information, intelligence, that something had happened to him."

If he is alive, there is no doubt he means to kill as many Americans as possible. "The Sheik's desire is to strike another blow at the palaces of the West," says Sheik Said, the senior Egyptian Qaeda leader. In 2003, Scheuer points out, bin Laden even managed to gain religious sanction from a radical Saudi cleric to kill "no more than 10 million Americans" with a nuclear or biological weapon.

America remains his obsession. NEWSWEEK interviewed Nasser al Bahri, who served as bin Laden's personal bodyguard for six years. Now under very loose house arrest in Yemen, the former bodyguard still reveres "the Sheik." According to al Bahri, bin Laden used to amuse himself by chanting this bit of doggerel, part of a longer poem by a jihadist poet:

*I am the enemy of America
Till this life is over and doomsday comes.
It's the root and trunk of destruction,
It's the evil on the branches of trees.*

"The only thing that seems to rile him up is mention of America," says al Bahri. "I think from the very beginning of his childhood he hated America. I don't know why. He won't even drink a Pepsi."

Bin Laden's No. 2, Zawahiri, is just as baleful toward the United States. According to various accounts, it was Zawahiri, a well-educated Egyptian doctor, who before 9/11 persuaded bin Laden to turn his terrorist ambitions from the "near enemy" (the corrupt regimes of Saudi Arabia, Jordan and Egypt) to the "far enemy" (the United States). Zawahiri may represent more of a threat to the West than bin Laden. By taking himself off the grid, bin Laden may no longer be in operational control; capturing him might be more symbolic than significant. But meanwhile Zawahiri has become more visible. "In the past two years he has put out more than 30 messages," says Rita Katz, director and founder of the SITE Institute, which monitors jihadist Web sites. She notes that within hours of the storming of the Red Mosque by Pakistani forces, Zawahiri's response was uploaded on the Internet. "I believe he's in or near an urban area where he is able to get news and respond to issues quickly," says Katz. "In 2005, you'd still see videos with cheap fabric backdrops that rippled in the wind. Today, they seem to be using better equipment, complete with artificial backgrounds added postproduction." "Al Qaeda may have seventh-century ideas, but they have 21st-century acumen for communications," says Georgetown University terrorism expert Bruce Hoffman. "Al Qaeda has become a world brand and their videos are the juice that fueled that recognition."

The overarching question is whether Al Qaeda has the ability to strike the United States with another "spectacular" along the lines of 9/11, or possibly something worse. When the Qaeda leadership was driven into the hills in 2001, and many of their top operators were killed or captured, the jihadist movement was sustained by local wannabes. They set

off bombs and blew up subways and discos from Indonesia to Britain. But they were not very high-tech, and some were klutzes, like the two mokes who last June failed to set off a pair of car bombs in London and then tried, unsuccessfully, to become suicide bombers at the Glasgow airport. (One eventually did die of his burns, but no civilians were injured when their car caught fire but failed to explode.)

When the United States struck Afghanistan in 2001, "there were probably 3,000 core Al Qaeda operatives," says Arquilla of the Naval Postgraduate School. "We killed or captured about 1,000; about 1,000 more ended up in distant parts of the world. And about 1,000 ended up in Waziristan. But the great terror university in Afghanistan is gone; they've relied on the Web since. They haven't had the hands-on instruction and the bonding of the camps. That's resulted in low-skill levels. Their tradecraft is really much poorer."

The danger now, says Arquilla, is that the longer the Iraq War goes on, the more skilled the new generations of jihadists will become. "They're getting re-educated," he says. "The first generation of Al Qaeda came through the [Afghan] camps. The second generation are those who've logged on [to Islamist Web sites]. The next generation will be those who have come through the crucible of Iraq. Eventually, their level of skill is going to be greater than the skill of the original generation."

It is disturbing to recall that when U.S. forces overran Qaeda training grounds, they found scientific documents discussing nuclear, chemical and biological weapons. (Zawahiri is reported to have a particular interest in chem-bio.) A true weapon of mass destruction is very hard to come by, and it may be a while before the jihadists can make, steal or buy a nuclear weapon or a germ bomb capable of killing more than a few people. But dirty bombs are less difficult to craft from conventional explosives and radioactive material, the kind that can be found in the waste bins of hospitals. Crumpton recalls that Zawahiri canceled a planned attack to set off a cyanide bomb in the New York City subways in 2003. "We don't know why," says Crumpton, or what became of the team Al Qaeda recruited to stage the attack but apparently never dispatched to the United States. "You think: Why did he call it off? Where are they?"

Intelligence officials in Europe and America have spent a jittery summer seeing signs that Al Qaeda is gearing up to hit the West in some significant way. In his interview with NEWSWEEK, Admiral Redd of the National Counterterrorism Center was guarded about details. But it was clear from his comments that the terror watchers are seeing signs and hearing chatter that have put them on alert. For an attack on Europe? America? "They would like to come west, and they would like to come as far west as they can," is how Redd puts it. The intelligence community lacks specific information about the movements of terrorists, he said. "What we do have, though, is a couple of threads which indicate, you know, some very tactical stuff, and that's what—you know, that's what you're seeing bits and pieces of, and I really can't go much more into it."

Meanwhile, the hunt for bin Laden goes on. Recently, it has gone all the way back to the beginning—to the Tora Bora region. This summer, about 500 jihadists—Taliban and Al

Qaeda, increasingly indistinguishable—infiltrated the area. After three American Special Forces soldiers were killed by a roadside bomb in early August, the Americans launched a sweep of bin Laden's old hideout, backed by aerial strikes. Last week a NEWSWEEK reporter, led by a guide, hiked up into the mountains to visit the battlefield.

On the way up, they passed small convoys of American Humvees and Afghan National Army Ford Ranger pickups. Along the trail, past a few dozen unmarked Arab graves from the 2001 bombing, they saw bits of shrapnel, corroded bullets and scraps of military detritus, some of it quite old. Leaflets blew around. They warned the locals that American troops would hunt down people who sheltered terrorists. On the leaflets were garish pictures of evil-looking masked men with glaring white eyes; one had the word OSAMA in a red circle with a diagonal slash through it.

The NEWSWEEK reporter and his guide walked past a series of burned-out Soviet tanks, scrawled with triumphalist Arab graffiti, leftovers from the struggle against the Russian occupation of Afghanistan. Eventually, they came to bin Laden's old cave complex, just above a gorge known as the Malawa Valley. On a wide ledge was Osama's old swimming pool, dry now, but with its still spectacular view. There had been rumors of sightings of the Sheik and his entourage. But they were just rumors.

This story was reported by Ron Moreau and Sami Yousafzai on the Afghanistan-Pakistan border; Zahid Hussain in Islamabad; Rod Nordland in Tora Bora; Mark Hosenball, Michael Hirsh, Michael Isikoff, John Barry, Dan Ephron and Eve Conant in Washington; Christopher Dickey in Paris, and Roya Wolverson in New York. It was written by Evan Thomas.

The executives rebuffed requests from other friends. They wouldn't comment on a request by Sen. Jeff Bingaman (D-N.M., \$43,864) for their thoughts on fuel economy standards. When Sen. Lamar Alexander (R-Tenn., \$117,450) asked whether they favor more efficient natural gas plants, Shell's John Hofmeister advised him: "That's a question for the utilities."

The executives were even less forthcoming when questions turned hostile. Sen. Frank Lautenberg (D-N.J., \$10,000) asked whether any of the companies had participated in Vice President Cheney's energy task force, and all five answered in the negative. Fortunately, they were not under oath: A report by the Government Accountability Office found that Chevron was one of several companies that "gave detailed energy policy recommendations" to the task force.

Lautenberg did not press the issue. Those wearing the "Exxpose Exxon" T-shirts put on their jackets. The unscathed executives walked briskly with their security guards from the building, past a pair of demonstrators with "Return the Gas and Oil Money" signs, and into their waiting Cadillacs.

Researcher Julie Tate contributed to this report.

LOS ANGELES TIMES

OPINION:

This isn't the real America

By Jimmy Carter

JIMMY CARTER was the 39th president of the United States. His newest book is "Our Endangered Values: America's Moral Crisis," published this month by Simon & Schuster.

November 14, 2005

IN RECENT YEARS, I have become increasingly concerned by a host of radical government policies that now threaten many basic principles espoused by all previous administrations, Democratic and Republican.

These include the rudimentary American commitment to peace, economic and social justice, civil liberties, our environment and human rights.

Also endangered are our historic commitments to providing citizens with truthful information, treating dissenting voices and beliefs with respect, state and local autonomy and fiscal responsibility.

At the same time, our political leaders have declared independence from the restraints of international organizations and have disavowed long-standing global agreements — including agreements on nuclear arms, control of biological weapons and the international system of justice.

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Instead of our tradition of espousing peace as a national priority unless our security is directly threatened, we have proclaimed a policy of "preemptive war," an unabridged right to attack other nations unilaterally to change an unsavory regime or for other purposes. When there are serious differences with other nations, we brand them as international pariahs and refuse to permit direct discussions to resolve disputes.

Regardless of the costs, there are determined efforts by top U.S. leaders to exert American imperial dominance throughout the world.

These revolutionary policies have been orchestrated by those who believe that our nation's tremendous power and influence should not be internationally constrained. Even with our troops involved in combat and America facing the threat of additional terrorist attacks, our declaration of "You are either with us or against us!" has replaced the forming of alliances based on a clear comprehension of mutual interests, including the threat of terrorism.

Another disturbing realization is that, unlike during other times of national crisis, the burden of conflict is now concentrated exclusively on the few heroic men and women sent back repeatedly to fight in the quagmire of Iraq. The rest of our nation has not been asked to make any sacrifice, and every effort has been made to conceal or minimize public awareness of casualties.

Instead of cherishing our role as the great champion of human rights, we now find civil liberties and personal privacy grossly violated under some extreme provisions of the Patriot Act.

Of even greater concern is that the U.S. has repudiated the Geneva accords and espoused the use of torture in Iraq, Afghanistan and Guantanamo Bay, and secretly through proxy regimes elsewhere with the so-called extraordinary rendition program. It is embarrassing to see the president and vice president insisting that the CIA should be free to perpetrate "cruel, inhumane or degrading treatment or punishment" on people in U.S. custody.

Instead of reducing America's reliance on nuclear weapons and their further proliferation, we have insisted on our right (and that of others) to retain our arsenals, expand them, and therefore abrogate or derogate almost all nuclear arms control agreements negotiated during the last 50 years. We have now become a prime culprit in global nuclear proliferation. America also has abandoned the prohibition of "first use" of nuclear weapons against nonnuclear nations, and is contemplating the previously condemned deployment of weapons in space.

Protection of the environment has fallen by the wayside because of government subservience to political pressure from the oil industry and other powerful lobbying groups. The last five years have brought continued lowering of pollution standards at home and almost universal condemnation of our nation's global environmental policies.

Our government has abandoned fiscal responsibility by unprecedented favors to the rich, while neglecting America's working families. Members of Congress have increased their own pay by \$30,000 per year since freezing the minimum wage at \$5.15 per hour (the lowest among industrialized nations).

I am extremely concerned by a fundamentalist shift in many houses of worship and in government, as church and state have become increasingly intertwined in ways previously thought unimaginable.

As the world's only superpower, America should be seen as the unswerving champion of peace, freedom and human rights. Our country should be the focal point around which other nations can gather to combat threats to international security and to enhance the quality of our common environment. We should be in the forefront of providing human assistance to people in need.

It is time for the deep and disturbing political divisions within our country to be substantially healed, with Americans united in a common commitment to revive and nourish the historic political and moral values that we have espoused during the last 230 years.

Citation: <http://www.latimes.com/news/opinion/commentary/la-oe-carter14nov14.0,7164514.story?coll=la-news-comment-opinions>

NEW YORK TIMES

OPINION:

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Op-Ed Contributor

America's Future Is Stuck Overseas

By STUART ANDERSON

Arlington, Va.

ACCORDING to a recent survey, more foreign graduate students enrolled in American universities this year than last, but their numbers remain far lower than they were in 2002. That international graduate student enrollment is no longer declining is welcome news. But it should not distract us from the obstacles the United States still faces in attracting top talent to its shores.

Foreign graduate students, particularly those who study science or engineering, are a boon to the American economy and education system. They are critical to the United States' technological leadership in the world economy: according to a study by Keith Maskus, an economist at the University of Colorado, for every 100 international students who receive science or engineering Ph.D.'s from American universities, the nation gains

United States. In the decade since England banned all private possession of handguns, the BBC reported that the number of gun crimes has gone up sharply.

Some of the worst examples of mass gun violence have also occurred in Europe. In recent years, 17 students and teachers were killed by a shooter in one incident at a German public school; 14 legislators were shot to death in Switzerland, and eight city council members were shot to death near Paris.

The main lesson that should emerge from the Virginia Tech killings is that we need to work harder to identify and cope with dangerously unstable personalities.

It is a problem for Europeans as well as Americans, one for which there are no easy solutions — such as passing more gun control laws.

Citation: <http://www.latimes.com/news/opinion/la-oe-wilson20apr20,0,4514008.story?coll=la-opinion-righttrail>

WASHINGTON POST

CIA Releases Files On Past Misdeeds

Assassination Plots, Domestic Spying Cited

By Karen DeYoung and Walter Pincus
Washington Post Staff Writers
Wednesday, June 27, 2007; A01

Hundreds of pages of decades-old documents declassified and released by the CIA yesterday revealed a 1970s-era agency in the throes of unaccustomed self-examination, caught between its traditional secrecy and demands that it come clean on a history of unsavory activities.

Prompted by the then-unraveling Watergate affair, and by fears that CIA involvement in that scandal would be exposed along with other illegal operations, the agency combed its files for what it called "delicate" information with "flap potential." The result was a collection of documents the CIA called the "family jewels."

Partly disclosed yesterday, the documents chronicle activities including assassination plans, illegal wiretaps and hunts for spies at political conventions. One document spoke of a plan to poison an African leader. Another revealed that the CIA had offered a Mafia boss \$150,000 to kill Cuba's Fidel Castro.

Agents set up surveillance in a hotel opposite The Washington Post to watch for possible sources of leaked intelligence information, and senior officials juggled requests from the Nixon White House to pay off the Watergate burglars.

TRANSCOM GHOST DOCS 200