

## Directions:

1. Show evidence of a close reading.
2. Answer the questions at the end of the text.
3. Write a one-page reflection in your WN.

Source: Philip Shenon, *Newsweek*, 3/23/09

### The 9/11 Commission and Torture

The bipartisan panel that investigated the terrorist attacks was widely praised. But did its final report rely on suspect information?

Powerful Democrats on Capitol Hill are clamoring for creation of a bipartisan "9/11 style" commission to investigate the legality of the Bush administration's antiterrorism tactics—especially its use of harsh interrogation techniques.

President Obama has been notably cool to the idea. But the case for a "truth" commission was bolstered by the disclosure this month that the CIA had destroyed 92 videotapes of the interrogations and confinement of Al Qaeda suspects. A dozen showed the use of "enhanced" techniques routinely described by human-rights groups as torture.

Lawmakers say the obvious model for such an inquiry would be the 9/11 Commission—an independent bipartisan body praised for its authoritative account of the attacks.

But as a reporter who covered the commission from start to finish and later wrote a history of its investigation, I wonder if Congress understands the deep irony of establishing a "new 9/11 Commission" on these issues. Former commission investigators have acknowledged to me over the past year that the panel had a serious blind spot on questions about torture.

The commission appears to have ignored obvious clues throughout 2003 and 2004 that its account of the 9/11 plot and Al Qaeda's history relied heavily on information obtained from detainees who had been subjected to torture, or something not far from it.

The panel raised no public protest over the CIA's interrogation methods, even though news reports at the time suggested how brutal those methods were. In fact, the commission demanded that the CIA carry out new rounds of interrogations in 2004 to get answers to its questions.

That has troubling implications for the credibility of the commission's final report. In intelligence circles, testimony obtained through torture is typically discredited; research shows that people will say anything under threat of intense physical pain.

And yet it is a distinct possibility that Al Qaeda suspects who were the exclusive source of information for long passages of the commission's report may have been subjected to "enhanced" interrogation techniques, or at least threatened with them, because of the 9/11 Commission.

While the CIA says it ended the use of waterboarding by early 2003, the agency continued to use other "enhanced" methods involving pain, sleep deprivation and extended isolation—all of which have been branded as torture. The CIA insists that its interrogation methods were legal and approved by the White House.

I wish I had known all this before my book was published in January of last year. Only a few days after publication, the CIA acknowledged publicly, for the first time, that it had carried out waterboarding on Al Qaeda detainees. It was a startling disclosure. Before 2001, the United States had routinely condemned waterboarding as torture and had prosecuted it as a war crime.

The CIA insisted that only three men had been waterboarded: Khalid Sheikh Mohammed, the architect of the 9/11 attacks; Abu Zubaydah, Al Qaeda's operations chief; and Abd al-Rahim al-Nashiri, ringleader of the USS Cole bombing.

Information from CIA interrogations of two of the three—KSM and Abu Zubaydah—is cited throughout two key chapters of the panel's report focusing on the planning and execution of the attacks and on the history of Al Qaeda.

Footnotes in the panel's report indicate when information was obtained from detainees interrogated by the CIA. An analysis by NBC News found that more than a quarter of the report's footnotes—441 of some 1,700—referred to detainees who were subjected to the CIA's "enhanced" interrogation program, including the trio who were waterboarded.

Commission members note that they repeatedly pressed the Bush White House and CIA for direct access to the detainees, but the administration refused. So the commission forwarded questions to the CIA, whose interrogators posed them on the panel's behalf.

The commission's report gave no hint that harsh interrogation methods were used in gathering information, stating that the panel had "no control" over how the CIA did its job; the authors also said they had attempted to corroborate the information "with documents and statements of others."

But how could the commission corroborate information known only to a handful of people in a shadowy terrorist network, most of whom were either dead or still at large?

Former senator Bob Kerrey of Nebraska, a Democrat on the commission, told me last year he had long feared that the investigation depended too heavily on the accounts of Al Qaeda detainees who were physically coerced into talking. While he thought the commission's larger narrative about the September 11 attacks held up, "there's reason now to suspect that we may have gotten some of the details wrong" about the 9/11 plot and about Al Qaeda.

Kerrey said it might take "a permanent 9/11 commission" to end the remaining mysteries of September 11. Those now calling for more 9/11-style panels would be wise to heed his words.

Write a thesis statement for this essay:

Who is the intended audience?

Possible topics for your WN:

- What is your stance on torturing terrorist suspects?
- Do you share the concern that torture might produce unreliable intelligence?
- Do you support the idea of a "permanent 9/11 commission"?
- What should the United States do with the detainees? Traditional judicial system? Special courts?