

# An analysis of the 9/11 Commission memo on interrogation tapes

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The memo written by the executive director of the 9/11 commission, Philip Zelikow, is only the latest indication that the concealment and destruction of videotapes depicting the interrogation of CIA prisoners are part of a conspiracy involving high-level officials in the White House and the CIA. (See “White House, CIA hid torture tapes from 9/11 Commission.”)

From the beginning, the 9/11 Commission—composed of leading figures in both the Democratic and Republican parties—was intended as a whitewash. Its purpose was to cover up the basic issues, including the role of previous administrations, Democratic and Republican, and the CIA in funding and promoting Osama bin Laden and other radical Islamists who went on to establish Al Qaeda, and a host of anomalies that point to the possible complicity of sections of the state apparatus in the 9/11 attacks themselves. The fact that the commission was denied access to critical evidence of the interrogation of a supposed top official in Al Qaeda—Abu Zubaydah—is a further testament to its real role.

According to Zelikow’s report, the initial request from the commission to US intelligence agencies for material on interrogations was made on June 6, 2003. The commission specifically named 40 individuals, including Zubaydah and Abd al-Rahim al-Nashiri, the two individuals whose interrogation videos the CIA has acknowledged destroying. The request was made to the CIA, the Defense Department, and the FBI.

Zelikow reports that the requests for information “also stated that if any requested documents were being withheld from the Commission, even temporarily, the agency should immediately identify what documents or class of documents were being withheld ‘with sufficient specificity to allow a meaningful challenge to such withholding.’”

A CIA spokesman claimed over the weekend that the tapes were not destroyed until 2005 “because it was thought the commission could ask about the tapes at some point.” This is both a deception and a damning admission. The statement implicitly acknowledges that top officials at the CIA knew of the tapes at the time.

In response to these and later requests, the commission received only reports on the interrogations prepared by the CIA. They did not even receive a transcript. “After reviewing and digesting this material, Commission staff concluded that this information was not as detailed as they expected,” Zelikow writes. Additional requests were therefore made for more information.

This account gives the lie to the claim by CIA Director Michael Hayden that the tapes were destroyed only after it was determined that all necessary content had been distilled in intelligence reports. The 9/11 Commission made clear that it considered these reports to be inadequate, and the CIA was made aware of this position.

Zelikow reports that subsequent requests were made to CIA General Counsel Scott Muller on October 14 and October 16, 2003. The requests specifically named Zubaydah, among others.

One request included questions about “the translation process in the interrogations,” “the way the interrogators had handled inconsistencies in the detainees’ stories,” “the context of what particular questions had been asked in order to elicit the reported information,” “and more information to assess the credibility and demeanor of the detainees in making the reported statements.”

This 9/11 Commission was evidently concerned that the information provided by the prisoners was not credible. Indeed, some reports—including by Ron Suskind in his 2006 book, *The One Percent Doctrine*—have suggested that Zubaydah was a mentally ill individual whose role in Al Qaeda may have been far less important than the CIA has indicated. The fact that the information Zubaydah gave was produced under torture would also affect the credibility of what he said.

According to Zelikow, the response from the CIA “took the form of supplying additional disseminated reports and providing general, summary written replies to the questions about the context and character of the interrogations...The CIA did not disclose that any interrogations had ever been recorded or that it had preserved any further detailed

information, in any form, about the questions the Commission had asked.”

This was followed by further requests for information, which increasingly involved higher-level government officials. Zelikow reports that in a meeting with then-CIA Director George Tenet, commission vice chair Lee Hamilton requested “that the CIA should provide any responsive documents, even if the Commission had not specifically asked for them.” Tenet did not say anything about any videotapes.

It is possible, if not likely, that at least some members of the commission knew of the videotapes but did not make any official requests to view them because their existence was such a closely guarded secret. In any case, Zelikow alleges that the commission became so frustrated by the stonewalling of the CIA that it threatened to go public with the dispute.

“The full Commission considered this issue in a meeting on January 5, 2004 and decided the CIA responses were insufficient,” Zelikow writes. “It directed the staff to prepare a letter to administration officials that would make the dispute public. There were then discussions between Hamilton and White House Counsel Alberto Gonzales and several meetings of CIA lawyers with Commission staff.”

Evidently, these discussions with Gonzales led to some sort of agreement to contain the dispute. However, it did not lead to any substantive increase in the information provided to the commission.

Zelikow cites a January 15, 2004 memo to Gonzales, CIA General Counsel Scott Muller and Undersecretary of Defense Steve Cambone stating that the commission was “ready to work creatively with you on any option that can allow us to aid the intelligence community in cross-examining the conspirators on many critical details, clarify for us what the conspirators are actually saying, and allow us to evaluate the credibility of these replies.”

A further meeting involved Hamilton and Gonzales, Tenet, Secretary of Defense Donald Rumsfeld and Assistant Attorney General of the Criminal Division Christ Wray.

“None of the government officials in any of these 2004 meetings alluded to the existence of recordings of interrogations or any further information in the government’s possession that was relevant to the Commission’s requests,” Zelikow reports.

In the actual text of its report, the commission was forced to acknowledge that at least two chapters of the report relied heavily on information gleaned from CIA reports of interrogations, even though the commission never had access to transcripts or videotapes.

While the videotapes were likely withheld and later destroyed to cover up the torture of Zubaydah and al-

Nashiri, another motivation may well have been to destroy evidence of what these prisoners, and particularly Zubaydah, actually said. Zubaydah reportedly named as contacts several high-ranking members of the Saudi monarchy and one leading figure in Pakistani intelligence.

This fact is alluded to by Zelikow, who writes, “Later in its investigation, reacting to press allegations that Abu Zubaydah had referred to a Saudi prince in his interrogations, the Commission asked ‘what information does the CIA have’ about whether such assertions were made in Zubaydah’s interrogations...We cannot find a record of a CIA response.”

This non-response is extremely significant, since both the Saudi monarchy and Pakistani intelligence have close ties to the American state apparatus, including the CIA and the Bush administration. The fact that a presumed top figure in Al Qaeda named these individuals is another sign that the attacks of September 11 may have occurred with the knowledge of, and perhaps assistance of, sections of the US government.

Other reports—including that of Gerald Posner in his book *Why America Slept* and James Risen in his book *State of War*—claim that Zubaydah provided personal phone numbers of Saudi princes and had in his possession credit cards linked to Saudi bank accounts that could only have been authorized by the Saudi state. Posner records that the four officials named by Zubaydah all died shortly after the interrogation. The credit card records have disappeared.

Finally, according to Zelikow, on June 29, 2004, the deputy director of central intelligence reported to the commission that the CIA “has taken and completed all reasonable steps necessary to find the documents in its possession, custody, or control responsive” to the Commission’s formal requests and “has produced or made available for review” all such documents. This, of course, was not true.

Zelikow concludes his memo by noting that the withholding of the videotapes may violate federal law, including a statute that makes it a crime to cover-up a “material fact” or to make “any materially false statement” to an “investigation or review” conducted under the authority of Congress or the executive branch.

*The full memo from Zelikow is available at the New York Times web site.*



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