

September 9, 2015

Fact Check: Inaccurate and Misleading Assertions Related to the CIA Detention and Interrogation Program in the book, “*Rebuttal: The CIA Responds to the Senate Intelligence Committee’s Study of Its Detention and Interrogation Program*.”¹”

With essays from George Tenet, Porter Goss,² Michael Hayden, John McLaughlin,³ Mike Morell,⁴ Jose Rodriguez, Phil Mudd, and John Rizzo.
Edited by Bill Harlow.⁵

U.S. Naval Institute Press, Release Date: September 9, 2015

¹ For the official U.S. Senate Executive Summary of the *Senate Select Committee on Intelligence Committee Study of the CIA’s Detention and Interrogation Program*, see <http://www.gpo.gov/fdsys/pkg/CRPT-113srpt288/pdf/CRPT-113srpt288.pdf>

² Former CIA Director Porter Goss stated on March 27, 2015, that he had not read any component of the Senate’s *Committee Study of the CIA Detention and Interrogation Program*. Specifically, Goss stated: “I have not read a word of the report. I have not read a word of any of this stuff.” See <https://www.youtube.com/watch?v=Mt05sg0DBgE>

³ Senator Ron Wyden, a member of the Senate Select Committee on Intelligence, has previously responded in writing to an op-ed by former Acting CIA Director John McLaughlin that appeared in the Washington Post on the day the Committee Study was released, December 9, 2014. Senator Wyden’s response can be found at: <https://www.techdirt.com/articles/20141217/12061129469/senator-wyden-responds-to-cia-defenders-distorting-truth-about-cia-torture.shtml>. Senator Wyden also responded to an op-ed by several former CIA Directors published on December 9, 2014, in the Wall Street Journal. See December 12, 2014, article entitled, “Ron Wyden’s point-by-point smackdown of the CIA’s defense of torture,” at <http://www.vox.com/2014/12/12/7382087/torture-wyden>.

⁴ On May 15, 2015, former Acting CIA Director Mike Morell told NBC News reporter Andrea Mitchell that he had not read the full 500-page publicly released summary of the Senate’s *Committee Study of the CIA Detention and Interrogation Program* (Morell: “I read the summary conclusions and case studies. That was 300 pages. I skimmed the rest of the report.”). Morell had previously informed Senator Feinstein that he had not read the full, classified version of the Committee Study. Morell and Harlow made a series of factual misstatements in their recent book. See the 54-page document filed with citations from CIA records:

http://www.feinstein.senate.gov/public/index.cfm/files/serve/?File_id=e369f4a2-6993-43d2-aa99-23c15075dd4d

⁵ Mr. Harlow has co-authored books with former CIA officials George Tenet, Jose Rodriguez, and Mike Morell, all of which contain inaccurate content on the CIA’s Detention and Interrogation Program. Harlow also contributed to other books that contain inaccurate information on CIA interrogation practices that were completed prior to the Committee Study and while he served in the CIA’s Office of Public Affairs (OPA). As detailed in the declassified Executive Summary of the Committee Study, author Ron Kessler credits Harlow as “instrumental” in the decision to allow him to interview 50 CIA officers, get “tours of areas of the CIA never seen by the media,” and be provided “unprecedented access and cooperation.” According to Kessler, Harlow and another CIA officer, Mark Mansfield, “made it happen.” (*CIA at War*, by Ron Kessler, p. 332). As detailed in CIA records, notwithstanding the inclusion of classified information, the Kessler book was not the subject of a crimes report because of OPA’s assistance (Committee Study, page 401.) Some of the inaccurate information in Kessler’s 2003 book is also in the recent Morell/Harlow book (e.g. Morell and Harlow insinuate that Iyman Faris was arrested based on information obtained from the interrogation of Khalid Sheikh Mohammed) (See Executive Summary of the Committee Study, pp. 401-402.).

<i>Introduction: CIA Interrogation of al Qa'ida Terrorists- The Rest of the Story</i> <i>by George Tenet</i>	
Background on Former CIA Director George Tenet	Mr. Tenet served as Director of the Central Intelligence Agency (CIA) from July 1997 to July 2004. Mr. Tenet has publicly provided his views on the CIA's Detention and Interrogation Program on multiple occasions, including in a book co-authored with Bill Harlow and published in April 2007. The book contains substantial inaccurate information about the program that is not supported by internal CIA records. ⁶
Quotes/Assertions in Essay from Former CIA Director George Tenet⁷	Facts As Detailed in CIA and Committee Records
Tenet: "Unfortunately, the Senate Intelligence Committee's <u>majority report</u> regarding CIA's <u>Rendition, Detention and Interrogation (RDI)</u> program...."	<p>The talking points of ex-CIA officials implicated in the CIA's Detention and Interrogation Program consistently refer to the Senate Study as the "majority's report" or the "Democrat's" report. This characterization of the report is inaccurate. As detailed below, despite then-Vice Chairman Bond's withdrawal from the Study in September 2009, the report maintained bipartisan support from its inception to its completion and public release.</p> <p>The Terms of Reference that guided the investigation were approved with a strong bipartisan vote of 14-1 on March 5, 2009.⁸ While the then-Vice Chairman withdrew from the investigation in September 2009, in objection to the announcement of a parallel Department of Justice criminal investigation into CIA abuses, the Committee Study continued to receive bipartisan support. On December 13, 2012, the Committee approved a 6,300-page Study with a <u>bipartisan vote</u> of 9-6, with Senator Olympia Snowe (R-ME) voting in favor.⁹ In addition, Senator McCain (R-AZ), an ex officio</p>

⁶ Examples of statements by Mr. Tenet: <http://www.cbsnews.com/news/george-tenet-at-the-center-of-the-storm/>; <http://www.wsj.com/articles/cia-interrogations-saved-lives-1418142644>; and <http://ciasavedlives.com/statements.html>.

⁷ Essay Title: Introduction- "CIA Interrogation of al Qa'ida Terrorists—The Rest of the Story," by George J. Tenet. Tenet repeats much of the information he provided for a Wall Street Journal op-ed on December 10, 2014. That op-ed can be found here: <http://www.wsj.com/articles/cia-interrogations-saved-lives-1418142644>

⁸ See <http://www.intelligence.senate.gov/publications/report-select-committee-intelligence-covering-period-january-3-2013-january-5-2015>. The vote to approve a Committee investigation of the CIA's Detention and Interrogation Program occurred during a period of time when there were increasing calls for a "truth commission" to examine U.S. counterterrorism policies, including an examination of the potential use of "torture" by the CIA. See, for example, <http://roomfordebate.blogs.nytimes.com/2009/03/02/a-truth-commission-for-the-bush-era/>.

⁹ Information on this bipartisan vote is publicly available. For example, see <http://www.reuters.com/article/2012/12/14/us-usa-interrogations-idUSBRE8BD01420121214>

	<p>member of the Committee, voiced support for the Study and documented this support in writing.¹⁰ Republican staff made recommendations for improving the Study, many of which were accepted. Finally, the Committee agreed with a bipartisan vote of 11-3 to seek declassification of the Executive Summary of the updated 6,700-page Study on April 3, 2014. The 6,700-page final Study received the support of Republican Senator Susan Collins (R-ME)—who participated in the revisions to the final Study. Further, Independent Senator Angus King (I-ME) made significant contributions to the final Study and strongly supported its conclusions and public release.¹¹</p> <p>The Senate Study—as detailed in the Terms of Reference found on page 457 of the declassified portion of the Study—focuses narrowly on CIA detention and interrogation activities, but does <u>not</u> cover CIA rendition activities as Mr. Tenet contends.</p>
<p>Tenet: “Critical, yet totally absent from the Senate majority’s deliberations, are the <u>testimony</u> and <u>recollections</u> of officials at CIA...”</p> <p>“...The history of the post-9/11 period and actions taken by the United States deserved much better. It deserved the kind of tough and critical nonpartisan analysts done by the 9/11 Commission, which made serious recommendations after interviewing all the principals and giving them opportunities to make</p>	<p><u>Testimony:</u> Mr. Tenet’s statement is incorrect. The Committee Study includes detailed information regarding on-the-record testimony from CIA officials to the Committee. Among other pages, see pages 437 to 455 of the Executive Summary, pages 462 to 499 of the Executive Summary, and pages 1558 to 1858 in Volume II. Each of these sections focuses specifically on CIA testimony and representations to Congress.</p> <p><u>Recollections:</u> As Mr. Tenet undoubtedly knows, due to the Department of Justice criminal investigation of the CIA program, the Committee could not conduct its own interviews.¹² However, the committee had access to, and utilized, an extensive set of interviews conducted by the CIA inspector general and the CIA’s oral history program. These interviews were on the topic of the CIA’s Detention and Interrogation Program and occurred at the time the program was operational. The interviews covered the exact topics the Committee would have asked about had the CIA compelled CIA personnel to submit to interviews as requested by the Committee.</p> <p>The interview reports and transcripts reviewed by the Committee</p>

¹⁰ <http://www.mccain.senate.gov/public/index.cfm/2012/12/post-95e0a445-d569-80f9-f216-89ec7a7b6928>

¹¹ See pages 455-456 of the Executive Summary of the Committee Study, as well as pages 512-520.

¹² From January 2, 2008, to August 30, 2012, the Department of Justice conducted a separate investigation into various aspects of the CIA’s Detention and Interrogation Program, with the possibility of criminal prosecutions of CIA personnel and contractors. On October 9, 2009, the CIA informed the Committee that it would not compel CIA personnel to participate in interviews with the Committee due to concerns related to the pending Department of Justice investigations (See Committee Record, DTS #2009-4064). While the Committee did not conduct interviews with CIA personnel during the course of this review, the Committee utilized previous interview reports of CIA personnel and CIA contractors conducted by the CIA’s Office of the Inspector General and the CIA’s Oral History Program.

<p>statements for the record.”</p>	<p>(more than 100) included, but were not limited to, an interview of Mr. Tenet. In fact, Mr. Tenet’s interview report is cited in the Committee Study, including in the Executive Summary. For example, the Executive Summary notes that on September 8, 2003, according to a CIA Office of Inspector General interview report, Tenet stated that “if the general public were to find out about this program, many would believe we are torturers.”¹³</p> <p>On June 27, 2013, the CIA provided a response to the Committee Study. In composing that response, according to the CIA, the CIA contacted former CIA Directors and other former senior CIA officials for their views. This information, according to the CIA, was then incorporated into the CIA’s official response. It was then considered by the Committee in its preparation of the final edition of the 6,700-page Committee Study.</p>
<p>Tenet: “What would the majority have learned if they had taken the time to speak with those in positions of responsibility during the months and years after 9/11? <u>Context. They would have learned that on the basis of credible intelligence the country’s top officials had a genuine, palpable fear of second-wave attacks on the United States...</u>”</p> <p>“...Our fears of imminent attack did not fade as we slid into 2002 and 2003. In 2003, Ayman al-Zawahiri called off an attack on the New York City subways in favor of "something better." ...This represents a small glimpse into our</p>	<p>The Committee Study does not lack “context.” The Study is a fact-based document that relies on more than 6.3 million pages of the CIA’s own records. The full Committee Study exceeds 6,700 pages and includes approximately 38,000 footnotes. It is based on a bipartisan Terms of Reference that was approved with a vote of 14-1 on March 5, 2009.¹⁴ The Study includes extensive details about the terrorist threat environment during the operation of the CIA’s Detention and Interrogation Program.</p> <p>The foreword by Senator Feinstein further discusses the “context” of the time and the fear, after September 11, 2001, that there could be a follow-up terrorist attack. She writes:</p> <p><i>“It is worth remembering the pervasive fear in late 2001 and how immediate the threat felt. ...We expected further attacks against the nation. I have attempted throughout to remember the impact on the nation and to the CIA workforce from the attacks of September 11, 2001. <u>Nevertheless, such pressure, fear, and expectation of further terrorist plots do not justify, temper, or excuse improper actions taken by individuals or organizations in the name of national security.</u> The major lesson of this report is that regardless of the pressures and the need to act, the Intelligence Community's actions must always reflect who we are as a nation, and adhere to our laws and standards. <u>It is precisely at these times of national crisis that</u></i></p>

¹³ See page 123 of the Executive Summary of the Committee Study. See also Feinstein Press Release on Interviews: <http://www.feinstein.senate.gov/public/index.cfm/2014/12/fact-check-interviews-would-have-added-little-to-cia-interrogation-study>

¹⁴ See <http://www.intelligence.senate.gov/publications/report-select-committee-intelligence-covering-period-january-3-2013-january-5-2015>

<p>context during those years. <u>Yet, you will find none of it in the Senate majority report.</u> This context was our reality when we first captured top al Qa'ida operatives <u>and had to decide how best to learn what they might know of plans to attack our homeland. And yet this terribly flawed report issued by the Senate majority staff of the Senate Intelligence Committee failed to provide any context...</u>"</p>	<p><u>our government must be guided by the lessons of our history and subject decisions to internal and external review.</u>"¹⁵</p>
<p>Tenet: "An honest report would have detailed the <u>yearly deliberations</u>, done at the insistence of the CIA to ensure that the program was being implemented in a manner consistent with the U.S. laws, the Constitution, and international treaty obligations."</p>	<p>The Committee Study includes excruciating detail on the "yearly deliberations" referenced by Tenet. Relying on more than 6.3 million pages of the CIA's own internal records, Volume One of the Committee Study covers the "History and Operation of the CIA's Detention and Interrogation Program." This 1,539-page volume is divided chronologically into sections addressing the establishment, development, and evolution of the CIA's Detention and Interrogation Program.¹⁶ While less expansive, the declassified Executive Summary, from pages 11 to 172, and from pages 409-437, addresses the evolution of the program, to include the CIA's efforts to obtain policy and legal approvals. International treaty obligations and conventions are referenced more than fifty times in the declassified summary.</p>
<p>Tenet: "An honest report would have asked why I suspended every aspect of the program in the spring of 2004."</p>	<p>The Committee Study includes extensive details on Tenet's suspension of the program on May 24, 2004. For example, on page 413 of the declassified Executive Summary, the Study explains how the findings of the CIA Inspector General Special Review on the CIA program, and subsequent communications with the Department of Justice, led Tenet to suspend the program in May 2004.</p> <p>Page 413 of the Committee Study: <i>"The May 2004 CIA Inspector General Special Review</i></p>

¹⁵ See "Foreword of Chairman Feinstein," within <http://www.gpo.gov/fdsys/pkg/CRPT-113s rpt288/pdf/CRPT-113s rpt288.pdf>

¹⁶ See <http://www.intelligence.senate.gov/publications/report-select-committee-intelligence-covering-period-january-3-2013-january-5-2015>

	<p><i>recommended that the CIA’s general counsel submit in writing a request for the Department of Justice to provide the CIA with a ‘formal, written legal opinion, revalidating and modifying, as appropriate, the guidance provided’ in the August 1, 2002, memorandum. It also recommended that, in the absence of such a written opinion, the DCI should direct that the CIA's enhanced interrogation techniques ‘be implemented only within the parameters that were mutually understood by the Agency and DoJ on 1 August 2002.’ After receiving the Special Review, Assistant Attorney General Jack Goldsmith informed the CIA that the OLC had never formally opined on whether the CIA's enhanced interrogation techniques would meet constitutional standards. <u>On May 24, 2004, DCI Tenet, Deputy Director John McLaughlin, General Counsel Scott Muller, and others met to discuss the Department of Justice's comments, after which DCI Tenet directed that the use of the CIA's enhanced interrogation techniques, as well as the use of the CIA's ‘standard’ techniques, be suspended. On June 4, 2004, DCI Tenet issued a formal memorandum suspending the use of the techniques, pending policy and legal review.</u>”</i></p>
<p>Tenet: “An honest report would have learned that CIA officials, despite the legal approvals of the Department of Justice, <u>on numerous occasions seriously debated the moral and ethical dilemmas posed by the program and how it might be viewed long after the attacks of 9/ 11 faded from memory.</u> In the end we concluded that we had an equally important moral obligation to protect a just society in order to save thousands of Americans or our allies from another mass-casualty attack.</p>	<p>The Committee Study—including the declassified Executive Summary—includes extensive details on how CIA officials, “despite the legal approvals,” “<u>debated the moral and ethical dilemmas posed by the program.</u>” The following are examples:</p> <p><u>Page 123:</u> The Committee Study details how on September 8, 2003, according to CIA Office of Inspector General reports, Tenet stated “if the general public were to find out about this program, many would believe we are torturers.” The Committee Study states that Tenet added in this interview that his “only potential moral dilemma would be if more Americans die at the hands of terrorists and we had someone in our custody who possessed information that could have prevented deaths, but we had not obtained such information.”¹⁷</p> <p><u>Page 213:</u> The Committee Study details how in April 2003, a CIA medical officer told the inspector general that the waterboard had “not been very effective on KSM” and that the medical officer “questioned how the repeated use of the waterboard was categorically different from ‘beating the bottom of my feet,’ or from torture in general.”</p> <p><u>Pages 42-45:</u> The Committee Study details how detention site personnel informed CIA Headquarters in August 2002 that CIA</p>

¹⁷ See page 123 of the Executive Summary of the Committee Study. See also Feinstein Press Release on Interviews: <http://www.feinstein.senate.gov/public/index.cfm/2014/12/fact-check-interviews-would-have-added-little-to-cia-interrogation-study>

	<p>interrogation team members had been “profoundly affected... some to the point of tears and choking up” during the interrogation of Abu Zubaydah. The Committee Study details how detention site personnel informed CIA Headquarters that their interrogation of Abu Zubaydah was “approach[ing] the legal limit” and how CIA Headquarters told the team to continue the interrogation and to not put information about the legality of the interrogation in writing, stating that “[s]uch language is not helpful.”</p>
<p>Tenet: “An honest report would have evaluated <u>what the congressional leadership had been told about the program</u> and it <u>had posed no objection and in fact lent its approval.</u>”</p>	<p>The Committee Study includes extensive detail on the “what the congressional leadership had been told about the program.” In fact, both the full 6,700-page report, and the declassified Executive Summary, include sections entitled, “Review of CIA Representations to Congress.” The 1,858-page Volume Two¹⁸ of the Committee Study has hundreds of pages on the topic, while the declassified Executive Summary covers this topic from pages 437- to 455. In addition, the declassified version of the Committee Study includes an “Example of Inaccurate CIA Testimony to the Committee” as an appendix (page 462-499) and makes the overall finding that the CIA had “actively avoided or impeded congressional oversight of the program.”</p> <p>Former CIA General Counsel Stephen Preston acknowledged in questions for the record that during the operation of the CIA’s Detention and Interrogation Program, CIA “briefings to the Committees <u>included inaccurate information</u> related to aspects of the program of express interest to Members.”¹⁹</p> <p>Tenet is wrong to assert that congressional leadership briefed on the CIA program “posed no objection” and had “in fact lent its approval.” The Committee Study includes extensive evidence to the contrary. For example, page 438 of the Executive Summary of the Committee Study details how when HPSCI leadership was first briefed by the CIA, the leadership questioned the legality of the CIA program. According to an original draft CIA memo on the briefing, “HPSCI attendees also questioned the legality of these techniques if other countries would use them.” This phrase was removed from the final CIA memo by a CIA lawyer, after which Jose Rodriguez responded to the edit in an email stating, “short and sweet.”²⁰ The Committee Study details how when SSCI Chairman Graham was briefed in September 2002, he sought to expand the Committee’s oversight, including by having Committee staff visit</p>

¹⁸ See <http://www.intelligence.senate.gov/publications/report-select-committee-intelligence-covering-period-january-3-2013-january-5-2015>.

¹⁹ <http://www.newyorker.com/news/news-desk/top-c-i-a-lawyer-sides-with-senate-torture-report>

²⁰ See CIA Email from: [REDACTED]; to: [REDACTED]; bcc: Jose Rodriguez; subject: Re: immediate coord; date: September 6, 2002, and CIA email from: Jose Rodriguez; to: [REDACTED]; subject: Re: immediate coord; date: September 6, 2002, at 2:52 PM, as well as page 438 of the Executive Summary of the Committee Study.

	<p>CIA interrogation sites and interview CIA interrogators. The CIA rejected this request from the Chairman.²¹ The Committee Study also describes internal CIA emails concerning efforts by the CIA to identify a “strategy” for limiting the CIA’s responses to Graham’s request for more information on the program, specifically seeking a way to “get off the hook on the cheap.” The CIA eventually chose to delay its next update for the Committee leadership on the CIA’s program until after Graham had left the Committee.²² The Committee Study details how on February 3, 2005, Vice Chairman Rockefeller began a formal effort to conduct a comprehensive Committee investigation of the CIA program, including a review of its legality and effectiveness.²³ The CIA’s reaction to a possible congressional investigation of the CIA program included internal calls to destroy CIA interrogation videotapes to ensure the tapes would not be seen by Congress.²⁴ The Committee Study details how Committee leadership was repeatedly provided with inaccurate information on the program by the CIA.</p> <p>Finally, the Committee Study details how, after the full Committee was briefed in September 2006, Senators stated their opposition to the CIA program in classified letters to the CIA and in meetings with the CIA. Senators McCain, Hagel, Feingold, Wyden and Feinstein are among those who raised objections.²⁵</p>
<p>Tenet: “There was never a single letter or phone call to the President or the Director of Central Intelligence to express opposition.”</p>	<p>This statement is inaccurate and deeply misleading. As detailed above, HPSCI leadership questioned the legality of the techniques upon their initial briefing. The CIA expunged this detail from their official record of the briefing.²⁶ Requests for additional information on the CIA program from the Senate were denied. Once additional members and their staffs were briefed on the program in late 2006, the CIA was informed by members of the Senate in letters and in briefings that they opposed the CIA</p>

²¹ See CIA Email from: Stanley Moskowitz; to: John Moseman, Scott Muller, James Pavitt; subject: Graham request for oversight into interrogation; date: December 4, 2002, at 05:58:06 PM; Stanley Moskowitz, Memorandum for the Record, February 4, 2003, “Subject: Sensitive Notification”; page 438 of the Executive Summary of the Committee Study.

²² See CIA Email from: Stanley Moskowitz; to: John Moseman, Scott Muller, James Pavitt; subject: Graham request for oversight into interrogation; date: December 4, 2002, at 05:58:06 PM; email from: Stanley Moskowitz; to John H. Moseman; cc: Scott Muller and James Pavitt; subject: [attached document] Re: Graham request on interrogations; date: December 9, 2002, at 05:46:11 PM, as well as CIA Memorandum of December 26, 2002; FOR: Director of Central Intelligence; FROM: Scott W. Muller, General Counsel; SUBJECT: Disposition of Videotapes. See pages 438-439 of the Executive Summary of the Committee Study.

²³ See February 3, 2005, letter from Senator Rockefeller to Senator Roberts on “the Committee’s upcoming agenda”; page 441 of the Committee Study.

²⁴ See CIA Email from: John A. Rizzo; to: [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED]; subject: Re: principals want PR plan to publicly roll the CTC program in some fashion; date: October 31, 2005, at 12:32 PM; pages 443-444 of the Executive Summary of the Committee Study.

²⁵ Among other pages, see pages 435-436 of the Executive Summary of the Committee Study.

²⁶ See page 438 of the Executive Summary of the Committee Study.

	<p>interrogation program.</p> <p>For example, according to CIA records, during a briefing on September 11, 2006, Senator John McCain informed the CIA that he believed the CIA's enhanced interrogation techniques, including sleep deprivation and the waterboard, were "torture." On September 27, 2006, Senator Dianne Feinstein, a member of the Senate Select Committee on Intelligence, wrote a letter to the CIA Director stating that she was "unable to understand why the CIA needs to maintain this program." On September 6, 2006, when the CIA provided its first and only briefing to the full Committee on the CIA program prior to the vote on the Military Commissions Act, Committee staff access was limited to the two Committee staff directors. In May 2007, shortly after the CIA allowed additional Committee staff to be briefed on the program, other members of the Committee prepared and provided letters to the CIA Director. On May 1, 2007, Senator Russ Feingold wrote that "I cannot support the program on moral, legal or national security grounds." On May 11, 2007, Senators Chuck Hagel, Dianne Feinstein, and Ron Wyden wrote a letter expressing their long-standing concerns with the program and their "deep discomfort with the use of EITs."²⁷</p>
<p>Tenet: "Monies were authorized without conditions."</p>	<p>This statement is inaccurate and deeply misleading. The declassified Executive Summary details how the CIA provided inaccurate information to the chairman of the House Defense Appropriations Subcommittee regarding how the CIA conducted its interrogations and the results of those interrogations. The classified 6,700-page version of the Committee Study provides further details. In addition, the Committee Study details how, shortly after Committee Members beyond the Chair and Vice Chairman were briefed, the House and Senate Conference Committee considering the Fiscal Year 2008 Intelligence Authorization bill voted to limit the CIA to using only interrogation techniques authorized by the Army Field Manual. The conference report passed both the House and the Senate with bipartisan majorities in February 2008; however it was vetoed by President Bush on March 8, 2008.²⁸</p>
<p>Tenet: "Nevertheless, the Senate majority, years later, <u>portrayed CIA officers as having misled them</u>. It would have been easy enough to hold a hearing with CIA briefers and match their accounts</p>	<p>The Committee Study, approved with a bipartisan vote of 9-6, concluded the CIA repeatedly provided inaccurate and misleading information to Congress. This finding was reached after reviewing CIA testimony to the Senate, Senate records of CIA briefings, and nearly 6.3 million pages of the CIA's own internal records.</p> <p>The CIA's official June 24, 2013, Response concedes that CIA testimony "<u>contained some inaccuracies</u>," and blamed these</p>

²⁷ See pages 435-436 of the Executive Summary of the Committee Study.

²⁸ See, among others, page 170 of the Executive Summary of the Committee Study.

<p>with the contemporaneous notes of briefings that the congressional committees must have kept regarding those briefings. But there were no hearings. None.”</p>	<p>inaccuracies on poor preparation briefings, writing, “the Agency should have done better in preparing the Director.”</p> <p>Former CIA General Counsel Stephen Preston stated in questions for the record that, during the operation of the CIA’s Detention and Interrogation Program, the CIA “fell well short” of current standards for keeping the congressional oversight committees informed, and that CIA “briefings to the Committees [during this period] <u>included inaccurate information</u> related to aspects of the program of express interest to Members.”²⁹</p> <p>The CIA’s own internal, “Panetta Review,” identifies more than 30 instances of the CIA providing inaccurate representations to “key policymakers—including the President and Congress.”</p> <p>Page 6 of the Findings and Conclusions of the Committee Study:</p> <ul style="list-style-type: none"> • <i>Prior to September 6, 2006, the CIA provided inaccurate information to the leadership of the Committee. Briefings to the full Committee beginning on September 6, 2006, also contained numerous inaccuracies, including inaccurate descriptions of how interrogation techniques were applied and what information was obtained from CIA detainees. The CIA misrepresented the views of members of Congress on a number of occasions. After multiple senators had been critical of the program and written letters expressing concerns to CIA Director Michael Hayden, Director Hayden nonetheless told a meeting of foreign ambassadors to the United States that every Committee member was "fully briefed," and that "[t]his is not CIA's program. This is not the President's program. This is America's program." The CIA also provided inaccurate information describing the views of U.S. senators about the program to the Department of Justice.</i>
<p>Tenet: “An honest effort would have cited a study conducted by the CIA Center for the Study of Intelligence on the CIA’s interactions with the congressional oversight committees regarding the rendition, detention, and interrogation program.</p>	<p>As previously stated, contrary to Tenet’s assertion, the Committee Study includes extensive detail on the “CIA’s interactions with the congressional oversight committees.” Both the full 6,700-page report, and the declassified Executive Summary, include sections entitled, “Review of CIA Representations to Congress.” The 1,858-page Volume Two³⁰ of the Committee Study has hundreds of pages on the topic, while the declassified Executive Summary covers this topic from pages 437- to 455. In addition, the declassified version of the Committee Study includes an “Example of Inaccurate CIA Testimony to the Committee” as an appendix (page 462-499) and</p>

²⁹ <http://www.newyorker.com/news/news-desk/top-c-i-a-lawyer-sides-with-senate-torture-report>

³⁰ See <http://www.intelligence.senate.gov/publications/report-select-committee-intelligence-covering-period-january-3-2013-january-5-2015>

<p>That study, based on interviews and documents of individuals who briefed the Congress, <u>noted that CIA officials repeatedly briefed the details of the enhanced interrogation program to the leadership over a period of years.</u> But evaluating its contents would have required a self-examination that, to say the least, would have been inconvenient.”</p>	<p>makes the overall finding that the CIA had “actively avoided or impeded congressional oversight of the program.”</p> <p>The Committee Study includes extensive details on how the CIA repeatedly provided inaccurate information to Congress. The CIA’s own internal, “Panetta Review,” identifies more than 30 instances of the CIA providing inaccurate representations to “key policymakers—including the President and Congress.”</p> <p>Page 438 the Executive Summary of the Committee Study details how when HPSCI leadership was first briefed by the CIA, they questioned the legality of the CIA program. According to the original CIA memo on the briefing, “HPSCI attendees also questioned the legality of these techniques if other countries would use them.”³¹ The Committee Study details how, when SSCI Chairman Graham was briefed in September 2002, he sought to expand the Committee’s oversight, including by having Committee staff visit CIA interrogation sites and interview CIA interrogators. The CIA rejected this request from the Chairman.³² The Committee Study also describes internal CIA emails concerning efforts by the CIA to identify a “strategy” for limiting the CIA’s responses to Graham’s request for more information on the program, specifically seeking a way to “get off the hook on the cheap.” The CIA eventually chose to delay its next update for the Committee leadership on the CIA’s program until after Graham had left the Committee.³³ The Committee Study details how on February 3, 2005, Vice Chairman Rockefeller began a formal effort to conduct a comprehensive Committee investigation of the CIA program, including a review of its legality and effectiveness.³⁴ The CIA’s reaction to a possible congressional investigation of the CIA</p>
--	---

³¹ See CIA Email from: [REDACTED]; to: [REDACTED]; bcc: Jose Rodriguez; subject: Re: immediate coord; date: September 6, 2002, and CIA email from: Jose Rodriguez; to: [REDACTED]; subject: Re: immediate coord; date: September 6, 2002, at 2:52 PM, as well as page 438 of the Executive Summary of the Committee Study.

³² See CIA Email from: Stanley Moskowitz; to: John Moseman, Scott Muller, James Pavitt; subject: Graham request for oversight into interrogation; date: December 4, 2002, at 05:58:06 PM; Stanley Moskowitz, Memorandum for the Record, February 4, 2003, “Subject: Sensitive Notification”; page 438 of the Executive Summary of the Committee Study.

³³ See CIA Email from: Stanley Moskowitz; to: John Moseman, Scott Muller, James Pavitt; subject: Graham request for oversight into interrogation; date: December 4, 2002, at 05:58:06 PM; email from: Stanley Moskowitz; to John H. Moseman; cc: Scott Muller and James Pavitt; subject: [attached document] Re: Graham request on interrogations; date: December 9, 2002, at 05:46:11 PM, as well as CIA Memorandum of December 26, 2002; FOR: Director of Central Intelligence; FROM: Scott W. Muller, General Counsel; SUBJECT: Disposition of Videotapes. See pages 438-439 of the Executive Summary of the Committee Study.

³⁴ See February 3, 2005, letter from Senator Rockefeller to Senator Roberts on “the Committee’s upcoming agenda”; page 441 of the Executive Summary of the Committee Study.

	<p>program included internal calls to destroy interrogation videotapes to ensure they would not be seen by Congress.³⁵ The Committee Study details how Committee leadership was repeatedly provided with inaccurate information on the program by the CIA.</p> <p>Finally, the Committee Study details how after the full Committee was briefed in September 2006, Senators stated their opposition to the CIA program in classified letters to the CIA and in meetings with the CIA. Senators McCain, Hagel, Feingold, Wyden and Feinstein are among those who raised objections.³⁶</p>
<p>Tenet: “The study and many other critical documents ignored by the Senate majority staff can be found at the website CIA Saved lives, www.ciasavedlives.com.”</p>	<p>The assertion that the CIA’s enhanced interrogation techniques “saved lives” has its origins in legal analysis intended to avoid prosecutions for the crime of torture. As detailed in the Executive Summary of the Committee Study, as early as November 2001, CIA lawyers stated that criminal prosecutions against allegations of torture by CIA officials could possibly be thwarted if the CIA argued that it had “saved lives” as a result of torture.</p> <p>As detailed in the Executive Summary of the Committee Study (pages 18-20), CIA lawyers had begun researching potential legal defenses for using interrogation techniques that were considered torture by foreign governments and a non-governmental organization. On November 26, 2001, attorneys in the CIA's Office of General Counsel circulated a draft legal memorandum describing the criminal prohibition on torture and a potential legal defense for CIA officers who engaged in torture. The memorandum stated that the "CIA could argue that the torture was necessary to prevent imminent, significant, physical harm to persons, where there is no other available means to prevent the harm," adding that "states may be very unwilling to call the U.S. to task for torture when it resulted in saving thousands of lives.” Later, on February 1, 2002—approximately two months prior to the detention of the CIA's first detainee—a CIA attorney wrote that if CIA detainees were covered by Geneva there would be “few alternatives to simply asking questions.” The attorney concluded that, if that were the case, "then the optic becomes how legally defensible is a particular act that probably violates the convention, but ultimately saves lives.”³⁷</p>
<p>Tenet: “...the Senate committee's majority staff issued a report that has left the American people with</p>	<p>The CIA’s official June 24, 2013 Response concedes that CIA testimony “<u>contained some inaccuracies</u>,” and blames these inaccuracies on poor preparation briefings, writing, “the Agency should have done better in preparing the Director.” Former CIA</p>

³⁵ See CIA Email from: John A. Rizzo; to: [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED]; subject: Re: principals want PR plan to publicly roll the CTC program in some fashion; date: October 31, 2005, at 12:32 PM; pages 443-444 of the Executive Summary of the Committee Study.

³⁶ Among other pages, see pages 435-436 of the Executive Summary of the Committee Study.

³⁷ See pages 19-20 of the Executive Summary of the Committee Study.

<p>an <u>outrageously false impression that a rogue organization lied to the President, the Attorney General, and the NSC and that the United States derived no value from its program of detention and interrogation.</u>”</p>	<p>General Counsel Stephen Preston stated in questions for the record that during the operation of the CIA’s Detention and Interrogation Program the C.I.A. “fell well short” of current standards for keeping the congressional oversight committees informed and that CIA “briefings to the Committees [during this period] <u>included inaccurate information</u> related to aspects of the program of express interest to Members.”³⁸ The CIA’s own internal, “Panetta Review,” identifies more than 30 instances of the CIA providing inaccurate representations to “key policymakers—including the President and Congress.”</p> <p>Finally, contrary to Tenet’s assertion, the Committee Study makes no assertion that “the United States derived no value from its program of detention and interrogation.” To the contrary, the Committee Study details extensive information derived from the detention program, in particular from detainees who had not yet been subjected to the CIA’s enhanced interrogation techniques.</p>
<p>Tenet: “There were indeed things that went wrong in the early days of this program, <u>failures of leadership and management that left a stain on our record.</u> To be sure, during these early tumultuous days <u>our own oversight did not meet our professional standards.</u>”</p>	<p>The Committee Study details the myriad of problems in the CIA’s development and operation of the CIA’s Detention and Interrogation Program. The Committee Study also highlights how CIA officers in the field who engaged in wrongdoing were rarely held to account for their actions.</p> <p>The CIA’s official response to the Committee Study agrees with the Committee, but notably goes further to suggest that senior CIA officers should also have been held accountable for the misdeeds of CIA officers. On page 14 of the 136 page CIA Response, the CIA writes:</p> <ul style="list-style-type: none"> • <i>“The first argument is that in some important cases involving clearly evident misconduct, CIA did not in the end sufficiently hold officers accountable even after full investigation and adjudication. We largely concur, although we would take the Study’s argument one step further. The Study focuses on the inadequate consequences meted out for line officers who acted improperly when conducting interrogations in the field or by providing insufficient rationales necessary to justify detentions. <u>To us, an even more compelling concern is that the Agency did not sufficiently broaden and elevate the focus of its accountability efforts to include more senior officers who were responsible for organizing, guiding, staffing, and supervising RDI activities, especially in the beginning.</u>”</i>
<p>Tenet: “Yet those errors [‘failures of leadership and management’] were</p>	<p>As detailed in the Committee Study, internal CIA records do not support the assertion that the management and leadership problems that plagued the CIA’s Detention and Interrogation Program were</p>

³⁸ <http://www.newyorker.com/news/news-desk/top-c-i-a-lawyer-sides-with-senate-torture-report>

<p>immediately corrected and were simultaneously referred to the Department of Justice, the CIA's own statutory inspector general, and to the congressional oversight committees themselves. We were fully transparent and deceived no one.”</p>	<p>“immediately corrected and were simultaneously referred to the Department of Justice, the CIA's own statutory inspector general, and to the congressional oversight committees themselves.”</p> <ul style="list-style-type: none">• <u>Errors Were Not Immediately Corrected:</u> The Committee Study cites CIA records that state that in December 2003, over a year and a half after the program began, CIA personnel managing a CIA detention site reported that they had made the “unsettling discovery” that the CIA had been “holding a number of detainees about whom” the CIA knew “very little.”³⁹ In 2005, during the fourth year of the program, the chief of the CIA’s Detention Site BLACK, where many of the detainees the CIA assessed as “high-value” were held, complained that CIA Headquarters was not properly staffing the CIA’s detention site and that this was impeding intelligence collection. The Chief wrote that “managers seem to be selecting either problem, underperforming officers, new, totally inexperienced officers or whomever seems to be willing and able to deploy at any given time,” resulting in “the production of mediocre or, I dare say, useless intelligence....”⁴⁰ In 2006, an internal CIA review found that a lack of CIA personnel available to question CIA detainees was “an ongoing problem.” This “problem” persisted throughout the program.⁴¹• <u>Errors Were Not Immediately Reported:</u> The Committee Study documents extensive mistreatment that was never reported to the CIA Inspector General, to the Department of Justice, or to Congress. CIA records reveal that at least 17 CIA detainees were subjected to one or more of the CIA’s enhanced interrogation techniques without proper approvals. In all but one of these cases, CIA Headquarters took no remedial action and did not report the unauthorized use of the techniques. This list of 17 does <u>not</u> include examples in which approved techniques were implemented in the field in a manner that diverged from authorizations.⁴² In some of those cases, such as the frequency with which the CIA used
--	--

³⁹ See CIA cable ([REDACTED] 1528 [REDACTED] and pages 14 and 110 of the Committee Study.

⁴⁰ See CIA email from the Chief of Base, dated April 15, 2005, email from [REDACTED] (Chief of Base of DETENTION SITE BLACK), to [REDACTED], [REDACTED], [REDACTED], [REDACTED], re General Comments. See also page 144 of the Executive Summary of the Committee Study.

⁴¹ See CIA Report of Audit, CIA-controlled Detention Facilities Operated Under the 17 September 2001 Memorandum of Notification, Report No. 2005-0017-AS, June 14, 2006; and page 144 of the Executive Summary of the Committee Study.

⁴² See pages 101-104 of the Executive Summary of the Committee Study.

	<p>the waterboard, there was no “report” to the Inspector General; the Inspector General investigated it himself.⁴³ To the extent the Department of Justice learned about the frequency of the waterboarding, it was from the Inspector General’s Special Review. In other cases, such as the incident in which Abu Zubaydah became unconscious during the waterboard described above, neither the Inspector General nor the Department of Justice was ever made aware. In addition to these cases, the CIA subjected multiple detainees to “rectal rehydration” and “rectal feeding,” which were never classified as “enhanced interrogation techniques” by the CIA and never reported to the Inspector General or the Department of Justice.⁴⁴ After the rectal rehydration of KSM, the chief of interrogations characterized it as illustrative of the interrogator’s “total control over the detainee,” while [REDACTED] OMS described it as helping to “clear a person’s head” and effective in getting KSM to talk.⁴⁵ The CIA continues to insist that “rectal rehydration is a “well acknowledged medical technique.”⁴⁶ The CIA has never commented on “rectal feeding.” “Rectal rehydration,” “rectal feeding,” and allegations that two detainees were subjected to rectal exams with “excessive force” were not reported to the Department of Justice or the CIA Inspector General.⁴⁷</p>
<p>Tenet: “I spent seven years as a professional staff member and four of them as staff director on the Senate Select Committee on Intelligence. Respect for</p>	<p>Tenet appears to be suggesting that the Committee Study of the CIA’s Detention and Interrogation Program was not a “serious” investigation and received a “party line vote.” In fact, the Committee Study is the largest and most thorough investigation in Senate history.⁴⁸ Further, contrary to Tenet’s suggestion, at no point did the effort to investigate the CIA’s Detention and Interrogation Program, or any vote related to the Committee’s</p>

⁴³ Interview of Scott Muller, by [REDACTED], [REDACTED], [REDACTED] and [REDACTED], Office of the Inspector General, August 20, 2004; and email from: Scott Muller; to: John Rizzo; cc: [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED]; subject: “Report from Gitmo trip (Not proofread, as usual)”; date: June [REDACTED], 2003, 05:47 PM; page 118 of the Executive Summary of the Committee Study.

⁴⁴ See page 100 of the Executive Summary of the Committee Study.

⁴⁵ [REDACTED] 34491 (051400Z MAR 03); Email from: [REDACTED]; to: [REDACTED]; cc: [REDACTED], [REDACTED]; subject: Re: Departure; date: March 6, 2003, at 7:11:59 PM; email from: [REDACTED]; to: [REDACTED]; cc: [REDACTED]; subject: Re: Update; date: March 6, 2003, at 4:51:32 PM; pages 82-83 of the Executive Summary of the Committee Study.

⁴⁶ See page 115, footnote 115 of the Executive Summary of the Committee Study; page 55 of the CIA’s June 2013 Response.

⁴⁷ See page 100 of the Executive Summary of the Committee Study.

⁴⁸ U.S. Senate Historical Office, December 11, 2014: “the Intelligence Committee’s CIA Detention and Interrogation Program report is probably the longest Senate report ever published.” As stated, the Committee Study of the CIA’s Detention and Interrogation Program is a lengthy, highly detailed report exceeding 6,700 pages, including approximately 38,000 footnotes. <http://www.intelligence.senate.gov/publications/report-select-committee-intelligence-covering-period-january-3-2013-january-5-2015>

<p>the law and for the Congress were deeply embedded in me. In those years, the Committee was truly bipartisan. <u>We never had a party line vote.</u>”</p> <p>“Serious inquiries, investigations, and confirmation hearings were conducted.”</p>	<p>Study of the CIA’s Detention and Interrogation Program, ever receive a “party line vote.”</p> <p>As stated in numerous public documents, the Terms of Reference that guided the investigation was approved by a <u>bipartisan vote</u> of 14-1 on March 5, 2009.⁴⁹ While the Minority withdrew from the investigation in September 2009, in objection to a parallel Department of Justice investigation, the investigation continued to be guided by these same Terms of Reference. Further, the investigation continued to receive bipartisan support despite then Vice-Chairman Bond’s withdrawal. On December 13, 2012, the Committee approved a 6,300-page Study with a <u>bipartisan vote</u> of 9-6, with Senator Snowe voting in favor.⁵⁰ In addition, Senator McCain, an ex officio member of the Committee voiced support for the Study and documented this support in writing.⁵¹ On April 3, 2014, the Committee, in a bipartisan vote of 11-3, agreed to seek declassification of the Executive Summary and the findings and conclusions.⁵²</p>
<p>Tenet: “CIA officers operated in the most dangerous time in fifty years at enormous risk, with policy, legal, and congressional approval, <u>and then found themselves castigated as criminals without the ability to testify or face their accusers.</u>”</p>	<p>As detailed in the Executive Summary of the Committee Study, Tenet, Goss, Rodriguez, Rizzo, Mudd, McLaughlin, Morell, and Hayden all testified or otherwise provided information to the Committee on the CIA’s Detention and Interrogation Program. Mike Morell led the CIA’s response to the Committee Study⁵³ and some members of this group, including Hayden, also participated in the CIA’s official response to the Committee Study that was delivered to the Committee on June 24, 2013.</p> <p>Pages 436 – 499 of the Executive Summary detail the CIA’s testimony and other representations to the Committee under the leadership of directors Tenet, Goss, McLaughlin and Hayden. See, in particular, Goss’s testimony on pages 444-445, McLaughlin’s testimony on page 134, and Hayden’s testimony on pages 446-452 and 462-499, as well as Rizzo’s testimony on pages 498-499. See also interviews by the CIA Inspector General with Tenet, at pages</p>

⁴⁹ See <http://www.intelligence.senate.gov/publications/report-select-committee-intelligence-covering-period-january-3-2013-january-5-2015>

⁵⁰ This information has been publicly available. For example, see <http://www.reuters.com/article/2012/12/14/us-usa-interrogations-idUSBRE8BD01420121214>

⁵¹ <http://www.mccain.senate.gov/public/index.cfm/2012/12/post-95e0a445-d569-80f9-f216-89ec7a7b6928>

⁵² http://www.feinstein.senate.gov/public/index.cfm/files/serve?File_id=7eb4b619-9244-44b0-b4bb-2cc6b15db025&SK=2DEA6A271F3B8CA804AAE472BD5B53EE

⁵³ On May 15, 2015, former Acting CIA Director Mike Morell told NBC News reporter Andrea Mitchell that he had not read the full 500-page publicly released summary of the Senate’s *Committee Study of the CIA Detention and Interrogation Program* (Morell: “I read the summary conclusions and case studies. That was 300 pages. I skimmed the rest of the report.”). Morell had previously informed Senator Feinstein that he had not read the full, classified version of the Committee Study. Morell and Harlow made a series of factual misstatements in their recent book. See the 54-page document filed with citations from CIA records:

http://www.feinstein.senate.gov/public/index.cfm/files/serve/?File_id=e369f4a2-6993-43d2-aa99-23c15075dd4d

	38-39, 57, 123, and 190; with McLaughlin at pages 189 and 190; and with Rodriguez at pages 41, 57, and 190.
Tenet: “We understood what harsh and difficult interrogations would look like in later years. Those moral and ethical choices in preventing the loss of American and allied lives were enormously difficult. They were not then taken lightly, nor should they ever be.”	The “moral and ethical choices” posited by Tenet presume that there was a purpose to “difficult interrogations,” i.e., that they were effective. As the Committee Study details, prior to 2001, the CIA had rejected coercive interrogations and stated that coercive interrogations were ineffective. A week after beginning the use of the techniques against the first CIA detainee, Abu Zubaydah, the interrogation team concluded that it was “highly unlikely” that he possessed the information they were seeking. The techniques were nonetheless continued against Abu Zubaydah and at least 38 other CIA detainees. Interrogators and other CIA personnel repeatedly stated that the techniques had failed to elicit threat information from detainees, from KSM to the CIA’s last detainee, Muhammad Rahim. ⁵⁴ As the CIA now acknowledges, the CIA had never conducted a review of whether the techniques were effective.
Tenet: “Yet, here is what my colleagues and I know to be true. The program we implemented produced enormous value that was directly responsible for <u>saving hundreds, and more likely thousands, of American and allied lives.</u> ”	Tenet repeats the past CIA assertion that the CIA’s enhanced interrogation techniques saved “hundreds” or “thousands” of American lives, without evidence and in direct contradiction to the CIA’s own records, as documented in the Committee Study.
Tenet: “The notion that no intelligence value came from this program is belied by our analysts, the Senate minority report, and the CIA rebuttal. An honest effort by the Senate majority staff could never have come to such a conclusion.”	This statement by Tenet is inaccurate. Nowhere in the Committee Study is there a claim made that “no intelligence value came from this program.” Rather, the Study addresses the CIA’s claims made to the Department of Justice and policymakers – that the use of the CIA’s enhanced interrogation techniques (as opposed to the “program,” which included detainees not yet subjected to the techniques) produced “unique” and “otherwise unavailable” intelligence that “saved lives.”
Tenet: “It is our hope that in publishing this volume, with essays from those of us who served, along with <u>additional documents sharply at odds with what the Senate majority produced...</u> ”	The Committee Study is based almost entirely on the CIA’s own documents. Since its public release, numerous documents have been declassified and released to the public, including by essayists in this book. Those documents have all confirmed the factual narrative of the Committee Study, as well as findings and conclusions of the Committee.

⁵⁴ See page 167 of the Executive Summary of the Committee Study.

<p>Tenet: “In early 2015, a number of small publishing houses took the Senate majority report and republished it in book form, under the title <i>The Report</i>. No mention was made of the strong rebuttals from the Senate minority, the current CIA leadership, or former senior intelligence and policy officials. It should not be allowed to stand unchallenged.”</p>	<p>Bipartisan Report: The Committee Study is not a “Senate majority” report. The Terms of Reference that guided the investigation was approved by a <u>bipartisan vote</u> of 14-1 on March 5, 2009.⁵⁵ While the Minority withdrew from the investigation in September 2009 because of the parallel Department of Justice criminal investigation into the CIA program, the Committee investigation continued to be guided by the same bipartisan Terms of Reference. Further, the investigation continued to receive bipartisan support, despite then-Vice Chairman Bond’s withdrawal. On December 13, 2012, the Committee approved a 6,300-page Study with a <u>bipartisan vote</u> of 9-6, with Senator Snowe voting in favor.⁵⁶ In addition, Senator McCain, an ex officio member of the Committee voiced support for the Study and documented this support in writing.⁵⁷ On April 3, 2014, the Committee, in a bipartisan vote of 11-3, agreed to seek declassification of the Executive Summary and the findings and conclusions.⁵⁸ The Executive Summary of the 6,700-page Committee Study was released with redactions on December 9, 2014. The release included additional and minority views. The Committee coordinated the release of the Executive Summary with the CIA to allow for the public release of the CIA’s Response.</p> <p>No Other Investigations: The Study approved by the Committee by a vote of 9-6 is the only credible investigation of the CIA’s Detention and Interrogation Program. The CIA itself has acknowledged that it has never completed a comprehensive review of the program that included a review of the effectiveness of the CIA’s enhanced interrogation techniques. As described in the Committee Study, no other review looked at underlying documents to confirm that CIA representations were accurate.⁵⁹ An unofficial CIA review, the so-called Panetta Review, came to similar conclusions as the Committee Study.⁶⁰ The CIA has resisted the release of the Panetta Review, calling it a draft. Former Senator Mark Udall, who reviewed the Panetta Review, stated on the Senate floor on December 10, 2014:</p>
---	---

⁵⁵ See <http://www.intelligence.senate.gov/publications/report-select-committee-intelligence-covering-period-january-3-2013-january-5-2015>

⁵⁶ This information has been publicly available. For example, see <http://www.reuters.com/article/2012/12/14/us-usa-interrogations-idUSBRE8BD01420121214>

⁵⁷ <http://www.mccain.senate.gov/public/index.cfm/2012/12/post-95e0a445-d569-80f9-f216-89ec7a7b6928>

⁵⁸ http://www.feinstein.senate.gov/public/index.cfm/files/serve?File_id=7eb4b619-9244-44b0-b4bb-2cc6b15db025&SK=2DEA6A271F3B8CA804AAE472BD5B53EE

⁵⁹ Committee Finding #16: “The CIA never conducted a credible, comprehensive analysis of the effectiveness of its enhanced interrogation techniques, despite a recommendation by the CIA inspector general and similar requests by the national security advisor and the leadership of the Senate Select Committee on Intelligence.”

⁶⁰ See, for also (1) http://www.nytimes.com/2015/01/21/world/cia-report-found-value-of-brutal-interrogation-was-inflated.html?_r=0 (2) http://www.nytimes.com/2013/12/18/us/politics/senators-ask-to-see-internal-cia-review-of-interrogation-program.html?_r=0 and (3) Udall Speech: <https://www.youtube.com/watch?v=qk3ut21ksJ0>

	<ul style="list-style-type: none"> • <i>“The Panetta Review found that the CIA repeatedly provided inaccurate information to the Congress, the President and the public on the efficacy of its coercive techniques. ... the Panetta review identifies dozens of documents that include inaccurate information used to justify the use of torture and indicates that the inaccuracies it identifies do not represent an exhaustive list. The Panetta Review further describes how detainees provided intelligence prior to the use of torture against them...It describes how the CIA, contrary to its own representations, often tortured detainees before trying another approach. It describes how the CIA tortured detainees even when less coercive methods were yielding intelligence.”⁶¹</i> <p>The CIA’s formal June 2013 Response to the Committee Study did not purport to be a review of the CIA program. As Director Brennan’s submission letter acknowledges, the Response only addressed the details of the 20 CIA case studies on effectiveness and otherwise only reviewed the Study’s conclusions.⁶² The CIA’s June 2013 Response includes numerous inaccuracies. The final December 2014 Committee Study, which was revised following receipt of the CIA Response, clearly details those inaccuracies in footnotes.</p> <p>The Committee minority did not conduct a study of the CIA’s Detention and Interrogation Program. Rather, as the Minority Views acknowledge, they were “in response to, and at points predicated upon, the research and foundational work that underlie the Study’s account of the CIA Detention and Interrogation Program.” The minority further acknowledges that their “Views should not be treated as an independent report based upon a separate investigation, but rather our evaluation and critique of the Study’s problematic analysis, factual findings, and conclusions.”</p>
<p>Tenet: “We were especially pleased when the Naval Institute Press offered to help ensure a balanced discussion of this <u>important issue by publishing ‘the rest of the story.’”</u></p>	<p>Tenet, Rodriguez, Rizzo, Morell, Goss, and McLaughlin have all had high profile coverage of their opposition to the Senate Report. This “Rebuttal” adds no new information to their known and largely discredited views.</p> <p>Further, the official CIA Response has been publicly available on the CIA website since the release of the Committee Study in December 2014: https://www.cia.gov/news-information/press-releases-statements/2014-press-releases-statements/cia-fact-sheet-</p>

⁶¹ <http://time.com/3628132/mark-udall-panetta-review-torture/>

⁶² Cover letter from Director Brennan to Senators Feinstein and Chambliss, June 27, 2013, p. 2 (from the CIA June 2013 CIA Response).

<p>Tenet: “In addition to publishing the minority and CIA rebuttals, the Naval Institute Press has agreed to include in this volume a series of essays from a number of prominent former <u>CIA officials who were well positioned</u> to know, among other things, how the interrogation program came about, how it was administered, what was obtained from it, how Congress and the White House were consulted and kept informed. These are precisely the people the Senate should have interviewed—and did not.”</p> <p>“These former colleagues of mine will offer in these pages insights... Each of these individuals has unique insights into what really happened during a critical period of U.S. history; how CIA's efforts were judged legal, effective, and necessary; and how, as our website suggests, CIA saved lives. <u>I recommend that those who truly want to understand a critical</u></p>	<p>ssci-study-on-detention-interrogation-program.html</p> <p>Each of the essayists has made his views known in testimony, interviews conducted by internal components of the CIA, and through internal CIA emails and Sametime communications. The Committee used all of these sources in its Study. Further, each of these essayists has made their views on the Committee Study known through speaking with the CIA leadership about the CIA’s written response to the Study, contributing to the CIA Response, and interviews and op-eds after the release of the declassified Executive Summary (<i>See</i> above for references to the Committee Study’s inclusion of congressional testimony and CIA Inspector General interviews of the essayists in this book).</p> <p>Tenet’s conjecture that the essayists in this volume were well-placed to provide commentary is also questionable. For example:</p> <ul style="list-style-type: none"> • <u>Porter Goss-Former CIA Director</u>: Despite being an author of an op-ed in December 2014 denouncing the Senate Report as “poorly done and partisan,” Goss stated months later on March 27, 2015, that he had not read any component of the Senate’s <i>Committee Study of the CIA Detention and Interrogation Program</i>. Specifically, Goss stated: “I have not read a word of the report. I have not read a word of any of this stuff.”⁶³ • <u>Mike Morell- Acting Director of the CIA</u>: On May 15, 2015, Morell told NBC News that he had not read the full 500-page publicly released summary of the Senate’s <i>Committee Study of the CIA Detention and Interrogation Program</i> (Morell: “I read the summary conclusions and case studies. That was 300 pages. I skimmed the rest of the report.”). Morell had previously informed Senator Feinstein that he had not read the full, classified version of the Committee Study. Morell has also acknowledged that, notwithstanding his role as a Presidential Daily Briefer to former President Bush, he was unaware of the CIA program until July 2006, after which the CIA took custody of only two more detainees.⁶⁴
---	---

⁶³ Former CIA Director Porter Goss stated on March 27, 2015, that he had not read any component of the Senate’s *Committee Study of the CIA Detention and Interrogation Program*. Specifically, Goss stated: “I have not read a word of the report. I have not read a word of any of this stuff.” *See* <https://www.youtube.com/watch?v=Mt05sg0DBgE>.

⁶⁴ Michael Morell, “*The Great War of Our Time: The CIA's Fight Against Terrorism--From al Qa'ida to ISIS*,” p. 246.

<p><u>period in American history read these documents, essays, and reports to gain perspective that the SSCI majority did not want to hear.”</u></p>	
--	--

What Must Never Happen Again?

Porter Goss

<p>Background on Former CIA Director Porter Goss</p>	<p>Porter Goss served as CIA Director from September 2004 to May 2006. Goss provided testimony to the Committee on several occasions, including on matters related to the CIA’s Detention and Interrogation Program. The testimony Goss provided to Congress included misleading and inaccurate information. For example, <i>see</i> page 445 of the Executive Summary.</p> <p>Despite being an author of an op-ed in December 2014 denouncing the Senate Report as “poorly done and partisan,” Goss stated on March 27, 2015, that he had not read any component of the Senate’s <i>Committee Study of the CIA Detention and Interrogation Program</i>. Specifically, Goss stated: “I have not read a word of the report. I have not read a word of any of this stuff.”⁶⁵</p>
<p>Quotes/Assertions in Essay from Former CIA Director Porter Goss⁶⁶</p>	<p style="text-align: center;">Facts As Detailed in CIA and Committee Records</p>
<p>Goss: “Chairman Feinstein publicly admitted that she began with a predrawn conclusion—that the RDI program ‘must never happen again.’ To that end, SSCI Democratic staff selected supporting materials and connected disjointed dots, willfully omitting and avoiding any information that might contradict her preconceptions. Perhaps this is why they chose not to interview a single person with knowledge of,</p>	<p>Goss provides no evidence to support the allegation that the anti-torture views of Chairman Feinstein, and the bipartisan group of Senators who supported the Committee Study, in any way influenced the factual narrative in the Study. The Committee Study is a fact-based report of more than 6,700 pages. It includes nearly 38,000 footnotes, mostly to the CIA’s own records. As detailed in the Committee Study, the Committee began an initial investigation in December 2007, after learning of the CIA’s unauthorized destruction of CIA interrogation videotapes. After the Committee reviewed a staff-prepared summary of the CIA operational cables detailing the CIA interrogations of Abu Zubaydah and ‘Abd Rahim al-Nashiri (the two CIA detainees whose interrogations would have been depicted on the videotapes) the Committee voted 14-1 to begin a larger investigation of the CIA’s Detention and Interrogation Program.⁶⁷</p> <p>Goss fails to identify any instances in which the Committee “connected disjointed dots” or omitted or avoided material</p>

⁶⁵ See <https://www.youtube.com/watch?v=Mt05sg0DBgE>

⁶⁶ Title: Introduction: “CIA Interrogation of al Qa’ida Terrorists—The Rest of the Story,” by George J. Tenet. Tenet repeats much of the information he provided for a Wall Street Journal op-ed on December 10, 2014. That op-ed can be found here: <http://www.wsj.com/articles/cia-interrogations-saved-lives-1418142644>

⁶⁷ See page 8 of the Executive Summary of the Committee Study.

<p>or involvement in, the RDI program.”</p>	<p>information.</p> <p>Goss fails to acknowledge the reason why the Committee did not conduct interviews: the parallel Department of Justice criminal inquiry into the CIA program precluded interviews. Nonetheless, as detailed above, the Committee Study includes numerous statements from those involved in the program, including Director Goss, in the context of congressional testimony and Inspector General interviews.</p>
<p>Goss: “Successfully fighting an unconventional, asymmetric war being waged on us by brutal radicals will require capturing, holding, and questioning the enemy. <u>If Chairman Feinstein has a better plan, she has not revealed it.</u>”</p>	<p>Contrary to the assertion by Goss, Senator Feinstein has publicly described her support for the detention and questioning of terrorist suspects. Senator Feinstein has stated she believes U.S. detention and interrogations should be consistent with U.S. values and the law. Further, contrary to the assertion of Goss, the Senator has publicly sought significant reforms as a result of the lessons learned from the more than five-year investigation:</p> <ul style="list-style-type: none"> • <u>Feinstein Seeking Significant Reform:</u> The reforms sought by Feinstein were released in December 2014 and can be found here: http://www.feinstein.senate.gov/public/index.cfm/files/serve/?File_id=3ef82005-f4a5-4335-8646-69c7c4cf70d4 • <u>Feinstein and McCain Ant-Torture Amendment Approved Overwhelmingly:</u> On June 16, 2015, an anti-torture amendment was adopted by an overwhelming vote of 78-21, to the U.S. Senate defense authorization bill. Senate Armed Services Committee Chairman John McCain (R-Ariz.) and Senate Intelligence Committee Vice Chairman Dianne Feinstein (D-Calif.) led the effort. The amendment was cosponsored by Senators Jack Reed (D-R.I.), Susan Collins (R-Maine), Patrick Leahy (D-Vt.), Rand Paul (R-Ky.), Angus King (I-Maine), Jeff Flake (R-Ariz.), Martin Heinrich (D-N.M.), Sheldon Whitehouse (D-R.I.), Barbara Mikulski (D-Md.), Ron Wyden (D-Ore.), Chris Murphy (D-Conn.), Mazie Hirono (D-Hawaii), Mark Warner (D-Va.), Tammy Baldwin (D-Wis.), Sherrod Brown (D-Ohio) and Ed Markey (D-Mass.). <p>Senator McCain said: “I believe past interrogation policies compromised our values, stained our national honor and did little practical good. This amendment provides greater assurances that never again will the United States follow that dark path of sacrificing our values for our short-term</p>

	<p>security needs.”</p> <p>Senator Feinstein said: “Today’s vote puts the Senate on record that there can be no return to the era of so-called enhanced interrogation techniques and that President Obama’s Executive Order should be enacted into law. No legal opinion will be able to authorize these types of brutal techniques again and say they comply with the law. Rather, with House acceptance, U.S. law will limit interrogations to the Army Field Manual. I look forward to working with Chairman McCain to ensure that our colleagues in the House will support this provision in conference and that it will be enacted into law.”</p> <p>The amendment does the following: (1) Restricts interrogation techniques to those authorized in the Army Field Manual. (2) Requires access for the International Committee of the Red Cross to detainees in U.S. government custody, which is current U.S. policy.</p>
<p>Goss: “Yes, there is-and must be-a natural tension between the overseers and the overseen. That tension should always arise from interpretations by professionals on both sides of what are at times intentionally ambiguous directives. <u>When contaminated by the partisan political process,</u> those professional disagreements devolve into distractions that keep the Intelligence Community from doing the real work that keeps our country and our allies safe.”</p>	<p>Goss himself has been identified as engaging in “partisan politics.” For example, then-Rep. Goss co-authored an op-ed on March 10, 2004, titled “Need Intelligence? Don’t Ask John Kerry.” In it, he wrote: “With the end of the Cold War, some in the Clinton White House and the Democrat-controlled Congress saw the opportunity in the 1990s to sharply curtail spending on one of their least favorite organizations: the Central Intelligence Agency. Especially in the early Clinton years, the cuts were deep, far-reaching and devastating to the ability of the CIA to keep America safe ... Where was the junior senator from Massachusetts? Serving as a senior member of the Senate Intelligence Committee... Did he fight the cuts in intelligence spending or the restraints on U.S. intelligence operatives? Far from it. In fact, he was leading the way to make deep and devastating cuts.”⁶⁸ As chairman of the House Intelligence Committee, Goss resisted oversight of U.S. detainee treatment, for example leading a party-line vote to reject an amendment that would have “Increased oversight and investigated alleged prisoner abuse at Abu Ghraib.”⁶⁹</p>
<p>Goss: “So, what are some useful facts we could have explored with <u>the SSCI’s expenditure of over forty million taxpayer dollars</u></p>	<p>Goss repeats inaccurate CIA talking points regarding the Committee Study and its costs. As detailed below, the overwhelming majority of the cost was incurred by the CIA and was caused by the CIA’s own unprecedented demands to keep documents away from the committee.</p>

⁶⁸ Reps. Porter Goss and Bill Young, Tampa Tribune, March 10, 2004.

⁶⁹ Congressional Quarterly, June 17, 2004.

<p><u>and countless hours of highly paid staff time?”</u></p>	<ul style="list-style-type: none"> • Feinstein Press Release: 12/10/2014 <u>Fact Check: Intelligence Committee Did Not Spend \$40 Million on CIA Study Unprecedented demands by CIA led agency to spend \$40 million on review</u> Washington—The Senate Intelligence Committee study of the CIA’s detention and interrogation program was completed entirely with existing committee resources; only minor staff additions were needed at some early stages of the study. The overwhelming majority of the \$40 million cost was incurred by the CIA and was caused by the CIA’s own unprecedented demands to keep documents away from the committee. Rather than provide documents for the committee to review in its own secure Senate office—as is standard practice—the CIA insisted on establishing a separate leased facility and a “stand-alone” computer network for committee use. The CIA hired teams of contractors to review every document, multiple times, to ensure they were relevant and not potentially subject to a claim of executive privilege. Only after those costly reviews were the documents then provided to committee staff. Committee Chairman Dianne Feinstein wrote several letters objecting to this unprecedented action, pointing out the wasted expense and unnecessary delays. Later, this arrangement at the off-site CIA facility allowed CIA personnel to remove documents it had provided for the committee’s use and to inappropriately gain access to the committee staff’s computer network and email. • VICE News article by Jason Leopold: https://news.vice.com/article/the-cia-paid-this-contractor-40-million-to-review-torture-documents Text: “...But VICE News has exclusively obtained more than 100 pages of contracting documents [pdf below] that show it was CIA officials who insisted on outsourcing work related to the Senate's review — <u>and that it was the CIA that paid more than \$40 million to one of its longtime contractors for administrative support and other tasks related to the Senate's work.</u> Those tasks included compiling, reviewing, redacting, and then posting to a server set up by the contractor the more than 6 million pages of highly classified CIA cables and other documents about the torture program Senate Intelligence Committee staffers pored through during the course of their probe.”
<p>Goss: “We know the radical Islamic terrorists</p>	<p>The United States has agreed to abide by the Geneva Conventions regardless of the adherence of U.S. enemies to the conventions.</p>

<p>are not restrained by the Marquis of Queensbury rules or any protocols of the Geneva Convention.”</p>	<p>See, for example, WWII U.S. treatment of POWs versus the treatment of U.S. POWs in the custody of Japan and Germany. See U.S. decision after WWII to abide by the Geneva Conventions despite mistreatment of U.S. prisoners, including testimony from Major General Archer Lerch (summarized here at 23:02, http://www.radiolab.org/story/nazi-summer-camp/)</p>
<p>Goss: “A second fact worth noting is the members of ‘select’ oversight committees are not always selected for their understanding of the Intelligence Community or the vital need to stay ahead of the curve in global intelligence capability. In the official reports after 9/11 of ‘what went wrong,’ many recommendations were made to overhaul the Intelligence Community, and several recommendations were made to improve oversight-committee performance. The only recommendations that seem almost entirely ignored were those applying to Congress.”</p>	<p>Goss’s statements are inaccurate. In 2004, in the same month that Congress passed legislation reforming the Intelligence Community, the Senate passed a resolution reforming the Intelligence Committee, including abolishing term limits and expanding staffing. Since then, the Committee has passed legislation intended to improve and expand its oversight, for example by addressing the practice, implemented by Director Goss and others, of limiting briefings only to Committee leadership.</p>
<p>Goss: “What followed were years of failed intelligence authorization bills, continuing leaks, deeply divisive partisanship, and incredible allegations of mistrust between the legislative and executive branches of our government. Maybe the SSCI should have spent some of that time and money trying to figure out how it could make a more</p>	<p>Goss’s statements are inaccurate. When Congress passed the Fiscal Year 2008 Intelligence Authorization Act, it was vetoed by President Bush. The veto by Bush was based on inaccurate information provided to the White House by the CIA on the CIA’s Detention and Interrogation Program (<i>see</i> page 170 of the Executive Summary of the Study). The Committee Study officially began in March 2009, and for the years following, the Committee reported and the Congress passed Intelligence Authorization Acts for Fiscal Years 2010, 2011, 2012, 2013, and 2014.</p> <p>Goss provides no evidence of leaks from Congress. In contrast, the Committee Study, using CIA records, details how the CIA provided still-classified information as part of a press campaign to win public support for the CIA’s interrogation program (<i>see</i> pages 401-408 of the Executive Summary of the Committee Study). The “allegations</p>

<p>positive contribution rather than continuing its own dysfunction.”</p>	<p>of mistrust” are based on the documented record of the CIA withholding information and providing inaccurate information to members of the Committee from both parties.</p>
<p>Goss: “A third fact, inconvenient as it might be to Chairman Feinstein's narrative, is that there was in fact congressional oversight of the RDI program. I know. I was briefed by CIA as chairman of HPSCI 2002 and 2003, and I briefed both the HPSCI and SSCI as DC and D/CIA in 2004 and 2005. Had Chairman Feinstein bothered to ask me, I would have so informed her-under oath.”</p> <p>“Defenders of the SSCI Democrats might argue that the briefings were not in sufficient detail or that not every Committee Member was included. It is true that specific sources and methods were not generally spelled out in most CIA briefings on the Hill and that extra-sensitive intelligence was limited to the "Gang of Eight," the senior leadership.</p> <p>But in the case of the RDI program, the existence of renditions and detentions was certainly known to all Committee Members, and the specific enhanced interrogation techniques were briefed to and discussed with top Committee leadership.</p>	<p>CIA briefings to Committee leadership between 2002 and 2006 are fully detailed in the Committee Study, as are the inaccuracies in those briefings. <i>See</i> pages 437-452 of the Executive Summary of the Committee Study.</p>

<p>Goss: “I recall no objections being made. As to the SSCI allegation that the briefing were somehow intentionally ‘misleading,’ no one would have been madder about that, had it been true, than I—who went directly from leading the organization that was being briefed to leading the one doing the briefing. I can say nothing that I learned when I left Congress to become CIA Director would substantiate the allegation.”</p>	<p>Statements made by former Acting CIA General Counsel John Rizzo (a fellow essayist in the new book) directly contradict Goss’s assertion that no Senator objected to the program. For example, Rizzo told the PBS Frontline organization the following:</p> <ul style="list-style-type: none">• PBS NARRATOR: “It would be up to the new CIA director, Porter Goss, to tell McCain the CIA’s version of the story, that the program was effective and carefully controlled.” <p>JOHN RIZZO: “<u>After Porter ran through all the techniques, Senator McCain, who said very little during the briefing, simply said, ‘I think it’s all torture,’ got up and left.</u> To have someone of the stature and experience of Senator McCain to say, ‘I still think it’s all torture,’ that was— I must say, I found that alarming. Alarming.”⁷⁰</p> <p>Further objections from U.S. Senators are detailed on page 447 of the Executive Summary of the Committee Study. Further, as detailed, the first draft of a CIA memo describing the September 2002 briefing for Chairman Goss and Ranking Member Pelosi stated that “HPSCI attendees also questioned the legality of these techniques if other countries would use them.” This sentence was excised from the final memo.⁷¹</p>
--	--

⁷⁰ <http://www.pbs.org/wgbh/pages/frontline/government-elections-politics/secrets-politics-and-torture/transcript-83/>

⁷¹ Email from: [REDACTED]; to: [REDACTED]; bcc: Jose Rodriguez; subject: Re: immediate coord; date: September 6, 2002; email from: Jose Rodriguez; to: [REDACTED]; subject: Re: immediate coord; date: September 6, 2002, at 2:52 PM.

Analysis Flawed, Politicized...and Rejected Michael V. Hayden	
Background on Former CIA Director Michael Hayden	Michael Hayden served as CIA Director from May 2006 to February 2009. Hayden provided testimony to the Committee on several occasions, including on matters related to the CIA’s Detention and Interrogation Program. The testimony Hayden provided to Congress included misleading and inaccurate information. For example, <i>see</i> pages 462-498 of the Executive Summary of the Committee Study.
Quotes/Assertions in Essay from Former CIA Director Michael Hayden	Facts As Detailed in CIA and Committee Records
<p>Hayden: “The text contains fundamental inaccuracies, along with misrepresentations and the intentional omission of key data.”</p> <p>“The report's lineage is best described as a series of conclusions that generated a six-plus-year search for supporting data among millions of pages of CIA documents.”</p>	<p>Hayden and his fellow essayists have been repeating this CIA talking point since the release of the Executive Summary of the Committee Study, but these essayists have failed to provide any details on the so-called errors. The group vaguely refers to the CIA’s June 2013 response to the Committee Study, but that response has been largely discredited by the CIA’s own records as detailed in the Study (<i>see</i>, for example, footnotes in the Committee Study, to include footnote numbers 28, 138, 330, 590, 860, 1312, 1379, 1422, 1442, 1615, 1688, 1726, 1827, 1866, 1998, and 2141).</p> <p>The Committee Study is a precise, fact-based document. The full document is 6,700-pages. It includes nearly 38,000 footnotes, most of which are to the CIA’s own internal records. The Committee Study documents a large number of factual misstatements and misleading information conveyed by Hayden to Congress. The Committee Study does not state that Hayden “intentionally” made these inaccurate statements, as that requires understanding beyond what was available to the Committee. The CIA—in its response to the Committee—has acknowledged that Hayden made factually inaccurate statements to the Committee.</p>
<p>Hayden: “As one observer has pointed out, with enough people, that much available data, and that much time, he could build what on the surface appears to be a convincing</p>	<p>There are no CIA documents to indicate that Hayden killed Jesus. There are more than 6.3 million pages of records that indicate the CIA’s “enhanced interrogation” program was ineffective and more brutal than previously known, as well as CIA records that show Hayden provided substantial amounts of inaccurate information to the Committee on the program. The CIA—in its official response—agrees that Hayden provided inaccurate information.</p>

<p>case that I killed Jesus.”</p>	<p>Only Hayden can say if he intentionally misled policymakers.</p>
<p>Hayden: “In 2008, for example, the Senator used her position on the Senate Judiciary Committee (in addition to her position on the Intelligence Committee) to chair a subcommittee hearing on <u>what she definitively described as torture.</u>”</p> <p>“The hearings included testimony on what were clear abuses at places like Abu Ghraib, as well as extensive commentary on what the Senator described as torture at Guantanamo and in CIA black sites.”</p>	<p>Internal CIA records detail how CIA lawyers conducted research into possible defenses to violations of the statutory prohibition on torture in November 2001. The lawyers identified specific coercive interrogation tactics that were considered “torture” by foreign governments and a non-governmental organization. More recently former CIA officials Buzzy Krongard and John Rizzo have used the term “torture” to describe aspects of the CIA program.</p> <ul style="list-style-type: none"> • http://www.bbc.com/news/world-us-canada-33739480 • http://www.humanrightsfirst.org/blog/even-torture-lawyers-john-rizzo-and-john-yoo-say-cia-tortured-people • http://www.mediaite.com/tv/even-john-yoo-cant-get-behind-forced-rectal-feeding/ • http://www.huffingtonpost.com/2014/12/14/john-yoo-torture-report_n_6323360.html
<p>Hayden: “First, they claimed that <u>all this was a rogue operation and that the White House was intentionally kept in the dark</u> about important aspects of it. That conclusion was reached without a single conversation with anyone from the Agency involved in the program (or from the Bush White House, for that matter). It gave no credit to President Bush's public commentary that he was briefed on and approved techniques like waterboarding, and it obscured the fact that the staff's research was made woefully incomplete by</p>	<p>The 6,700-page bipartisan Committee Study does not conclude that “all this was a rogue operation.” Rather, the Study includes extensive details on the timing and substance of CIA briefings to the White House. The Committee Study concluded that “[t]he CIA provided extensive amounts of inaccurate and incomplete information related to the operation and effectiveness of the CIA’s Detention and Interrogation Program to the White House, the National Security Council principals, and their staffs.” CIA records consistently and repeatedly indicate that the CIA did not brief President Bush on “enhanced interrogation techniques” prior to April 2006 (see pages 38-40).⁷² Statements in President Bush’s memoir, which John Rizzo has publicly refuted, are referenced in footnote 17 of the Committee’s findings and conclusions.</p> <p>Hayden is correct that the Obama Administration withheld approximately 9,400 CIA documents related to the CIA's Detention and Interrogation Program pending a determination and claim of executive privilege. The Committee requested access to these documents over several years, including in writing on January 3, 2013, May 22, 2013, and December 19, 2013. The Committee received no response from the White House.</p>

⁷² See also page 47 of the Executive Summary of the Committee Study regarding an October 2002 Presidential Daily Brief on the Abu Zubaydah interrogations.

<p>the Obama administration's refusal to share Bush White House documents on the program, in order to protect executive privilege.”</p>	
<p>Hayden: “The second major conclusion was that the techniques used were worse than briefed and had been used on more individuals than reported. To get to this conclusion, the staff had to conflate a variety of CIA activities. They also took care not to mention <u>that most of the alleged abuse had already been identified and reported by the Agency to appropriate officials, including to the Department of Justice. The Agency freely admitted that there had been abuses early on, when untrained folks had been sent into the field in emergency circumstances.</u> In fact, I briefed the Committee that the high-value detainee program with an approved suite of interrogation techniques had been developed in response to the Agency's early failures. <u>No matter. The report conflated all these activities and then</u></p>	<p>These statements by Hayden are inaccurate.</p> <p>First, as detailed, the CIA’s interrogation techniques were “worse than briefed.” The CIA today does not disagree. The CIA, for example, does not dispute that waterboarding resulted in Abu Zubaydah becoming unconscious, or that “enhanced interrogation techniques” were used against detainees notwithstanding concerns about their injuries. The CIA also does not dispute that these and other abuses were never reported.</p> <p>In addition, the CIA submitted detainees to “rectal rehydration” and “rectal feeding,” neither of which was ever formally classified as an “enhanced interrogation technique.” (Hayden appears to be referring to this as a “conflate[ion] [of] a variety of CIA activities.”) After the rectal rehydration of KSM, the chief of CIA interrogations characterized it as illustrative of the interrogator’s “total control over the detainee,” while a CIA medical officer described it as helping to “clear a person’s head” and effective in getting KSM to talk.⁷³ The CIA continues to insist that “rectal rehydration” is a “well acknowledged medical technique.”⁷⁴ The CIA has never commented on “rectal feeding.” “Rectal rehydration,” “rectal feeding,” and allegations that two detainees were subjected to rectal exams with “excessive force” were not reported to the Department of Justice or the CIA Inspector General.⁷⁵</p> <p>The Committee Study documents extensive mistreatment that was never reported to the CIA Inspector General or the Department of Justice. For example, CIA records reveal that at least 17 CIA detainees were subjected to one or more of the CIA’s enhanced interrogation techniques without proper approvals. In all but one of these cases, CIA Headquarters took no remedial action and did not report the unauthorized use of the techniques. This list of 17 does not include examples in which approved techniques were</p>

⁷³ [REDACTED] 34491 (051400Z MAR 03); Email from: [REDACTED]; to: [REDACTED]; cc: [REDACTED], [REDACTED]; subject: Re: Departure; date: March 6, 2003, at 7:11:59 PM; email from: [REDACTED]; to: [REDACTED]; cc: [REDACTED]; subject: Re: Update; date: March 6, 2003, at 4:51:32 PM; pages 82-83 of the Executive Summary of the Committee Study.

⁷⁴ Page 115, footnote 115 of the Study; page 55 of the CIA Response.

⁷⁵ See page 100 of the Executive Summary of the Committee Study.

<p><u>alleged that the Agency had been misleading Congress, the White House, and the general public in describing the mature program that had been developed.”</u></p>	<p>implemented in the field in a manner that diverged from authorizations.⁷⁶ In some of those cases, such as the frequency with which the CIA used the waterboard, there was no “report” to the Inspector General; the Inspector General investigated it himself.⁷⁷ To the extent the Department of Justice learned about the frequency of the waterboarding, it was from the Inspector General’s Special Review. In other cases, such as the incident in which Abu Zubaydah became unconscious during the waterboard with bubbles rising out of his mouth, neither the Inspector General nor the Department of Justice was ever made aware.</p> <p>Hayden’s testimony to Congress was not framed as a description of “the Agency’s early failures.” The CIA, in its June 2013, Response acknowledges that Hayden’s “testimony contained some inaccuracies, and the Agency should have done better in preparing the Director, particularly concerning events that occurred prior to his tenure.” Hayden acknowledges this himself in the next passage.</p> <p>The Executive Summary of the Committee Study clearly identifies the dates on which abuses took place, with the exception of instances in which dates were redacted by the CIA themselves. It is thus clear when those abuses occurred during the “early” period and when they occurred during what Hayden refers to as the “mature program.”</p>
<p>Hayden: “Some of these accusations struck home for me personally. The Committee took great pain to construct a ‘he said/she said’ comparison of my 2007 testimony, pointing out all the areas in which I was allegedly misleading it. A lot of my supposed inaccuracies remain issues in contention between the Agency and SSCI Democrats. For example, what information we got, when, and under what circumstances from Abu</p>	<p>The description of Hayden’s April 12, 2007, testimony, on pages 462-499 of the Executive Summary, compares Hayden’s testimony to the CIA’s own records. It does not state that Hayden misled the Committee, which would require an understanding of Hayden’s state of mind; it indicates when the testimony was inconsistent with CIA records.</p> <p>CIA records related to the interrogation of Abu Zubaydah are clearly described and identified in the Executive Summary. There are no “disputes” concerning the dates Abu Zubaydah provided specific information, as the Committee uses as sources the CIA’s own records (in most cases official CIA cables).</p> <p>Hayden inaccurately describes his testimony as relating to a “then-current, mature program” and “the norm.” At the time of the testimony, the CIA had not subjected any detainees to enhanced interrogation techniques for over a year; only one detainee would</p>

⁷⁶ See pages 101-104 of the Executive Summary of the Committee Study.

⁷⁷ Interview of Scott Muller, by [REDACTED], [REDACTED], [REDACTED] and [REDACTED], Office of the Inspector General, August 20, 2004; and email from: Scott Muller; to: John Rizzo; cc: [REDACTED], [REDACTED], [REDACTED], [REDACTED]; subject: “Report from Gitmo trip (Not proofread, as usual)”; date: June [REDACTED], 2003, 05:47 PM; page 118 of the Executive Summary of the Committee Study.

<p>Zubaydah remain in dispute.</p> <p>Other inconsistencies comprise my description of the then-current, mature program, as opposed to the Committee's elaboration of mistakes made early on in the program. In one sense I was briefing the norm, and they were countering with the exceptions.”</p>	<p>subsequently be subjected to the techniques. Moreover, his testimony did not express his descriptions of the program as the “norm.” Readers can see what Hayden stated in testimony themselves on pages 462-498 of the Executive Summary of the Committee Study. Especially in cases where the Committee cannot review underlying records, witnesses before the Committee are expected to present the entire body of facts.</p>
<p>Hayden: “Not well noted in the report was that I was accompanied by the CIA general counsel, who had been with the program since its inception, and also, to make sure that I had specific operational details correct, one of Khalid Sheikh Mohammad’s actual interrogators. I frequently turned to them for confirmation or additional details during the hearing.”</p>	<p>The other attendees at the hearing are identified in the Committee Study, however, after CIA redactions, they are listed in the publicly released Executive Summary as “John Rizzo, [REDACTED] and [REDACTED].” The Executive Study also noted that “[REDACTED], former [REDACTED] CTC Legal, attended for the ODNI.”⁷⁸</p> <p>The Committee Study describes the inaccurate testimony provided at that hearing from Mr. Rizzo, the acting General Counsel at the time.⁷⁹</p>
<p>Hayden: “There is also the distinct possibility <u>that a Director briefing events that happened five years previously and well before he came on board</u> may simply get a few things wrong.”</p>	<p>Having provided inaccurate testimony to the Committee, Director Hayden did not subsequently correct the record. The CIA first acknowledged “some inaccuracies” in Hayden’s testimony in June 2013, in its response to the Committee Study.</p> <p>Finally, this acknowledgment that Hayden testified broadly about the program (on events “that happened five years previously”), appears to contradict Hayden’s previous statement that his testimony was focused on “the then-current, mature program, as opposed to the Committee's elaboration of mistakes made early on in the program.”</p>
<p>Hayden: “But there was no effort to mislead. In any case, <u>the purpose of</u></p>	<p>First, this statement by Hayden is inaccurate. Director Hayden’s testimony, detailed on pages 462 – 499 of the Executive Summary, explicitly describes the history of the program. Second, it is the</p>

⁷⁸ See page 468, footnote 2566 of the Executive Summary of the Committee Study.

⁷⁹ See pages 498-499 of the Executive Summary of the Committee Study.

<p>the hearing was not to give a history of the detention and interrogation program. Rather, we had the hope that we could engage the Committee in a dialogue about an acceptable way forward for the program. That dialogue never took place.”</p>	<p>oversight Committee that sets “the purpose” of hearings, not the CIA. Finally, there was no “dialogue about an acceptable way forward for the program” because many members of the Committee objected to the program and the CIA’s use of “enhanced interrogation techniques.” Both the House and Senate Intelligence Committees and then both houses of Congress voted to prohibit the CIA’s techniques in February 2008, but the legislation was vetoed by President Bush based on an inaccurate information provided to the White House by the CIA on the program.⁸⁰</p>
<p>Hayden: “I was also singled out in a dispute over the actual number of detainees that the CIA had held. The number I briefed the Committee (and that the Agency had been briefing the White House) was a total of ninety-eight. That was the Agency’s number for high-value detainees it held under the headquarters-controlled program. We always knew, and made no attempt to hide, that there had been other early battlefield captives who had also been in CIA custody. The dispute, if there ever was one, was simply which detainees should or should not be booked in the program we were describing the Hill.”</p> <p>“I encountered this bookkeeping challenge a few weeks before I left the Agency in January 2009, in an incident that the report attempts to document as an instance</p>	<p>What Hayden describes as a “bookkeeping challenge” was the question of how many human beings were detained, outside any law enforcement or military legal framework, by the CIA.</p> <p>Hayden inaccurately describes the disagreement as arising from “one conversation” with “one young CIA officer rais[ing] the possibility that a higher number might be more appropriate.” Hayden also inaccurately asserts that the only documentation of the disagreement was the email sent by the CIA officer. The CIA now acknowledges that by the time Hayden was briefed that there had been more than 98 CIA detainees, the CIA had determined internally that there had been at least 112 detainees. This determination is documented in CIA charts and memoranda.⁸¹</p>

⁸⁰ See pages 452 – 453 of the Executive Summary of the Committee Study.

⁸¹ See pages 14-15 of the Executive Summary of the Committee Study.

<p>of my directing the Agency to mislead everyone. When one young CIA officer raised the possibility that a higher number might be more accurate, I simply replied that the number we have been using was ninety-eight and that I was not prepared to change that based on one conversation. I then added that if there were a potential discrepancy, the young officer should carefully check the record, confirm his figure, and then make sure that the new Director was aware of it so that he could inform Congress and the White House.”</p> <p>“Multiple participants in the meeting confirmed that, some through contemporaneous notes. That was never mentioned in the report, however. It was inconsistent with the preferred narrative, and the Committee staff never made an effort to confirm their observations by talking with actual participants. This conclusion was based on one e-mail the young officer had sent to himself after the meeting and which the Democratic staffers hungrily pounced on.”</p>	
<p>Hayden: “The final accusation was that the</p>	<p>Contrary to the assertion made by Hayden, the Committee Study documents, using the CIA’s own records, that the CIA provided</p>

<p>CIA got no information from enhanced interrogation techniques that was not otherwise available. To bolster this case the Committee staff cited twenty case studies and “proved” that nothing unique had been derived from any of them. Here the Agency’s rebuttal is very powerful. <u>Freely admitting occasional hyperbole when justifying the program, the CIA nonetheless shot back with carefully documented information as to how this information proved vital.”</u></p>	<p><i>inaccurate information</i> in its representations about the effectiveness of the CIA’s enhanced interrogation techniques.</p> <p>Hayden’s concession– that the CIA engaged in “occasional hyperbole” when briefing the program– nonetheless raises serious questions about the credibility of the CIA and its leadership. And contrary to Hayden’s assertion, the CIA did not “freely admit[]” its exaggerations until it was confronted with the CIA’s own internal records cited in the Committee Study.</p> <p>The so-called “carefully documented” information in the CIA’s June 2013 Response has been rebutted, again using the CIA’s own records, in numerous footnotes in the Committee Study.</p>
<p>Hayden: “The Agency even went so far as to show the important role that detainee-derived information played in tracking Usama bin Ladin to Abbottabad.”</p>	<p>On pages 378-400 of the Executive Summary, the Committee Study details the numerous inaccuracies in CIA representations about the purported role of “enhanced interrogation techniques” and CIA detainees in the operation that led to UBL, including inaccurate statements in the CIA’s June 2013 Response to the Committee Study.</p> <p>By referring to “detainee-derived information,” Hayden disguises the extent to which information was obtained from detainees who were in foreign government, rather than CIA, custody; from CIA detainees who provided relevant information before, not during or after the use of the CIA’s enhanced interrogation techniques; and from CIA detainees never subjected to the CIA’s techniques. This information is carefully documented using the CIA’s own records on pages 378-400.</p>
<p>Hayden: “When you boil the Feinstein report’s accusation in the regard down to its essence, it is a claim that the people who tracked Bin Ladin to Abbottabad simply didn’t know or understand how they had done it.”</p>	<p>The Executive Summary of the Committee Study details how CIA testimony on the UBL operation and the role of the CIA program in that operation was not supported by internal CIA records. The Executive Summary further details how CIA documents provided to senior CIA officials and others contained inaccurate information on the UBL operation; specifically the role of the CIA’s enhanced interrogation techniques. <i>See</i> pages 390-391 and 393-395 of the Executive Summary of the Committee Study concerning the “<i>Lessons for the Hunt for Bin Ladin</i>” document.</p> <p>The claim that the CIA program was responsible for the UBL operation was developed by the CIA’s Office of Public Affairs</p>

	<p>(OPA) <i>before</i> the operation, in anticipation of a public information campaign by the CIA. According to CIA records, OPA was “formally brought into the [UBL] operation in late March 2011,” at which time OPA “prepared for release” material intended to “describe the hunt and operation.” The material details how, prior to the operation, “agreed-upon language” was developed for three “vital points,” the first of which was “the critical nature of detainee reporting in identifying Bin Ladin’s courier.”⁸² Pages 401-408 detail CIA’s OPA’s previous efforts to distribute to the press inaccurate information intended to defend the CIA’s use of enhanced interrogation techniques.</p>
<p>Hayden: “The CIA detention and interrogation program was launched out of a sense of duty, not enthusiasm. It will forever remain controversial. The Republic needs a careful historical accounting of what happened, to guide it in the future. This report is not that accounting.”</p>	<p>The Executive Summary of the Committee Study is 499-pages with 2,725 footnotes. However, the vast majority of the Committee Study has not been released yet. The full Committee Study is over 6,700 pages long and includes nearly 38,000 footnotes. The vast majority of the footnotes refer to the CIA’s own records. Neither the CIA nor its former leaders have identified factual inaccuracies in the Committee Study.</p>

⁸² See pages 378 – 397, footnote 2137 of the Executive Summary of the Committee Study.

The Senate Majority Report on Interrogation An Opportunity Lost John McLaughlin	
<p>Background on former Acting CIA Director John McLaughlin</p>	<p>John McLaughlin served as acting director of the CIA from July to September 2004 and previously was the agency's deputy director from October 2000. McLaughlin currently serves on CIA Director Brennan's CIA external advisory board. On the day the Committee Study was publicly released, December 9, 2014, Mr. McLaughlin published an op-ed in the Washington Post entitled, "<i>Senate interrogation report distorts the CIA's success at foiling terrorist plots.</i>"⁸³ The op-ed included several verifiably inaccurate statements and repeated many of the same inaccurate CIA talking points used by the other former CIA officials implicated in the CIA Detention and Interrogation Program.⁸⁴ Senator Wyden identified several of the inaccuracies in Mr. McLaughlin's op-ed on December 17, 2014,⁸⁵ however Mr. McLaughlin repeats many of the same inaccurate statements in this essay.</p>
<p>Quotes/Assertions in Essay from Former Acting CIA Director John McLaughlin</p>	<p>Facts As Detailed in CIA and Committee Records</p>
<p>McLaughlin: "Of all the charges in the report authored by the Senate Intelligence Committee's then-majority Democrats, the one most pivotal to <u>their argument is that the CIA's detention and interrogation program produced little useful intelligence.</u> It's pivotal because so many of their other charges—that the CIA lied, misled, and embellished—rest on</p>	<p>This statement by McLaughlin is inaccurate. The Committee Study does not make the "argument" that "the CIA's detention and interrogation program produced little useful intelligence."</p> <p>First, the Committee Study focused on the purported effectiveness of the CIA's "<u>enhanced interrogation techniques</u>" as represented by the CIA in writing and in briefings, not of "the CIA's detention and interrogation program." The Committee Study details, using the CIA's own records, how significant information was obtained from CIA detainees who had not yet been, or were never subjected to, the CIA's enhanced interrogation techniques.</p> <p>Second, the CIA's representations, and the basis for the approval of the CIA's enhanced interrogation techniques, was not that they "produced... useful intelligence." Rather, the CIA represented that</p>

⁸³ https://www.washingtonpost.com/opinions/senate-interrogation-report-distorts-the-cias-success-foiling-terrorist-plots/2014/12/09/de5b72ca-7e1f-11e4-9f38-95a187e4c1f7_story.html

⁸⁴ <http://www.vox.com/2014/12/12/7382087/torture-wyden>

⁸⁵ "Senator Wyden Responds To CIA Defenders Distorting the Truth About CIA Torture," December 17, 2014, at <https://www.techdirt.com/articles/20141217/12061129469/senator-wyden-responds-to-cia-defenders-distorting-truth-about-cia-torture.shtml>

<p>proving that the Agency had run an ineffective program that it portrayed as effective.”</p>	<p>the techniques were “necessary” to acquire “otherwise unavailable” intelligence that “saved lives.” The Committee Study, relying on CIA records, documents in great detail how those CIA claims were inaccurate.</p> <p>The CIA’s inaccurate representations were not limited to the effectiveness of the CIA’s enhanced interrogation techniques; they also included, among other subjects, how the techniques were applied. The CIA, in developing its June 2013 Response, chose not to address those misrepresentations in any depth. As Director Brennan’s submission letter acknowledges, the CIA Response only addresses the details of the 20 effectiveness case studies and otherwise only reviewed the Study’s conclusions.⁸⁶</p>
<p>McLaughlin: “The problem the authors are up against is a simple one: everyone at the CIA who worked with the information knows the allegation is false.</p> <p>If you are one of those CIA officers, here's how the report hits you: it's trying to convince you that what you experienced, you did not really experience; that what information you used, you did not really use; that your memory of sitting in the CIA's legendary daily five o'clock meetings and using this information to capture terrorists and disrupt plots was just a dream—this didn't really happen.”</p>	<p>Contrary to McLaughlin’s assertion, as detailed in the Committee Study, CIA officers repeatedly questioned the effectiveness of the CIA’s enhanced interrogation techniques. CIA officers also internally objected to external CIA representations about the effectiveness of the techniques and described how they were inaccurate. <i>See</i> pages 93-95 and 210-215 of the Executive Summary documenting, for example, numerous instances of CIA officers stating that the techniques were ineffective against KSM. Pages 182-186, and 189-194, detail how inaccurate CIA representations were made to the CIA Inspector General and to the CIA leadership itself, despite efforts by some CIA officers to convey more accurate information. Pages 197-201 describe how inaccurate representations were included in President Bush’s September 6, 2006, speech and how, after the speech, a CIA officer questioned the factual basis for one of those representations. Page 454, footnote 2541, describes how CIA officers prepared information for the Committee acknowledging past CIA misrepresentations on the effectiveness of the CIA’s enhanced interrogation techniques, but never sent it.</p> <p>As noted above, the CIA’s internal review of CIA documents, the Panetta Review, confirmed much of what was in the Study and identified more than 30 instances of the CIA providing inaccurate representations to “key policymakers—including the President and Congress.”</p> <p>New evidence of CIA officers objecting to CIA representations about the effectiveness of the CIA’s enhanced interrogation techniques continues to come to light. In May 2015, an Inspector General report was released through the FOIA process revealing a complaint that intelligence had been inaccurately attributed to KSM (<i>See</i> https://news.vice.com/article/the-watchdog-the-whistleblower-</p>

⁸⁶ Letter from Director Brennan to Senators Feinstein and Chambliss, June 27, 2013, p. 2.

	<p>and-the-cias-secret-torture-report). This complaint, from a CIA officer, parallels the Study’s account of how information provided by Majid Khan, before he entered CIA custody, was falsely attributed to the use of the CIA’s enhanced interrogation techniques against KSM.</p>
<p>McLaughlin: “CIA officers realized that the program, if revealed, would be controversial and that fair-minded people could differ about the methods it employed.”</p>	<p>As detailed on page 123 of the Executive Summary of the Committee Study, in an interview with the CIA Office of Inspector General, on September 8, 2003, former CIA Director Tenet stated: “if the general public were to find out about this program, many would believe we are torturers.”⁸⁷</p>
<p>McLaughlin: “But frankly, the last thing anyone expected was serious questioning of the <i>effectiveness</i> of a program that resulted in the capture of more high-level terrorists than before or since. Agency officers wondered if serious people could really think, Was this some kind of dumb luck? Surely not, they thought.”</p>	<p>As described in the Committee Study, CIA officers regularly questioned the effectiveness of the CIA’s enhanced interrogation techniques. CIA officers also questioned CIA representations about the effectiveness of the techniques to the Department of Justice and policy makers.</p> <p>Per McLaughlin’s statement of “dumb luck,” in some cases, “luck” played a significant role in the capture of terrorists and thwarting of plots. According to internal CIA records, in regards to the identification and capture of Jose Padilla and Binyam Mohammed, a CIA officer stated that a foreign government had provided information on the pair before any provision of information from a CIA detainee, writing of their capture, “[i]n essence, CTC got lucky” (<i>see</i> page 189). In another case, a senior CIA officer involved in the capture of Hambali wrote: “Frankly, we stumbled onto Hambali. We stumbled onto the [the source] ... It wasn’t police work, it wasn’t good targeting, it was we stumbled over it and it yielded up Hambali. What I tell my people is you work really, really hard to be in a position to get lucky” (<i>see</i> page 310).</p> <p>Contrary to McLaughlin’s insinuation, the Committee Study describes in great detail, using the CIA’s own records, how specific counterterrorism successes were the result of traditional human intelligence collection, signals intelligence, information from other countries, and information from detainees who were not subjected to the CIA’s enhanced interrogation techniques. McLaughlin provides no information to refute the information found in internal CIA records.</p>
<p>McLaughlin: “It was not an ‘end justifies the means’ calculus; it was the</p>	<p>McLaughlin makes a number of misleading and inaccurate statements in this passage. First, neither the CIA, nor its former leaders, have provided any evidence that the CIA’s enhanced</p>

⁸⁷ See page 123 of the Executive Summary of the Committee Study. See also Feinstein Press Release on Interviews: <http://www.feinstein.senate.gov/public/index.cfm/2014/12/fact-check-interviews-would-have-added-little-to-cia-interrogation-study>

<p>belief that no one could really claim to be following a moral path if they were <u>complicit in the death of hundreds or thousands more Americans through failure to get information</u> that these detainees had.</p> <p>So why not just get this information by <u>'rapport building.'</u> a recommended by many CIA critics? Agency officers tried, and sometimes it worked. But with the most hardened of these criminals it did not.</p> <p>Many today forget two things:</p> <ul style="list-style-type: none">• First, that we were dealing with the toughest and most committed top leaders of al-Qa'ida, <u>who had been trained to resist interrogation</u>—people like 9/11 architect Khalid Sheik Mohammed, who had coldly beheaded a <i>Wall Street Journal</i> reporter long before there was a CIA detention program and long before this tactic became an Islamic State trademark.• Second, <u>time was of the essence, given the post-9/11 threat context—something not discussed in the Senate Democrats' report.</u>”	<p>interrogation techniques prevented “the death of hundreds or thousands more Americans.” CIA internal records details how CIA interrogators and other CIA personnel repeatedly identified how the CIA’s enhanced interrogation techniques had failed to elicit threat information from detainees, from KSM to the CIA’s last detainee, Muhammad Rahim.⁸⁸ After the CIA’s enhanced interrogation techniques had failed to result in intelligence from Rahim, the CIA conducted an after-action review that recommended the CIA “incorporate rapport-building techniques” into future interrogations and conduct a study into what interrogation techniques were most effective (<i>see</i> page 167).</p> <p>As the CIA now acknowledges, the CIA never conducted a review of the effectiveness of their “enhanced interrogation techniques.” Current CIA Director Brennan has written that he remains “firm” in his belief that “enhanced interrogation techniques are an inappropriate method for obtaining intelligence.”⁸⁹ As detailed in the Study, the CIA had reached this conclusion previously. Page 44 of the Executive Summary details the following:</p> <ul style="list-style-type: none">• “In January 1989, the CIA informed the Committee that ‘inhumane physical or psychological techniques are counterproductive because they do not produce intelligence and will probably result in false answers.’ Testimony of the CIA deputy director of operations in 1988 denounced coercive interrogation techniques, stating, “[p]hysical abuse or other degrading treatment was rejected not only because it is wrong, but because it has historically proven to be ineffective.” <p>The suggestion that the CIA tried “rapport building” prior to using enhanced interrogation techniques is inaccurate. As detailed in the Study, CIA detainees who were subjected to the CIA’s enhanced interrogation techniques were usually subjected to the techniques immediately after being rendered to CIA custody.</p> <p>Neither the CIA, nor its former leaders, have provided any evidence that al-Qa’ida operatives “had been trained to resist interrogation.” Moreover, as the Study details, detainees who provided information cited by the CIA did so prior to being subjected to the CIA’s enhanced interrogation techniques. Those who withheld and fabricated information – for example, KSM – did not begin to cooperate during or after the use of the techniques. As detailed in CIA records, detainees fabricated significant information while</p>
--	--

⁸⁸ See page 167 of the Executive Summary of the Committee Study.

⁸⁹ [https://www.cia.gov/library/reports/CIA June2013 Response to the SSCI Study on the Former Detention and Interrogation Program.pdf](https://www.cia.gov/library/reports/CIA%20June2013%20Response%20to%20the%20SSCI%20Study%20on%20the%20Former%20Detention%20and%20Interrogation%20Program.pdf)

	<p>being subjected to the techniques.</p> <p>While McLaughlin indicates the CIA’s enhanced interrogation techniques were needed because “time was of the essence,” the CIA placed CIA detainees in isolation without asking them questions for long periods of time (Abu Zubaydah, the CIA’s first detainee, for 47 days; and Mohammed Rahim, the CIA’s last detainee, for six weeks) while they awaited approvals to use the CIA’s enhanced interrogation techniques against the detainees, losing valuable time that could have been spent asking the detainee questions.⁹⁰</p> <p>The undisputed criminality and cruelty of KSM is irrelevant to his interrogation, whose purpose was to elicit intelligence on ongoing threats, not to punish him for past crimes.</p> <p>Contrary to McLaughlin’s assertion, the Committee Study addresses in great detail the “post-9/11 threat context.” For example, pages 246-258 detail the use of enhanced interrogation techniques against detainees in the context of the assessed threat of a “second wave” attack against the United States. In addition, the foreword of Senator Feinstein further discusses the “context” of the time and the fear after September 11, 2001, that there could be a follow-up terrorist attack. She writes:</p> <p><i>“It is worth remembering the pervasive fear in late 2001 and how immediate the threat felt. ... We expected further attacks against the nation. I have attempted throughout to remember the impact on the nation and to the CIA workforce from the attacks of September 11, 2001. <u>Nevertheless, such pressure, fear, and expectation of further terrorist plots do not justify, temper, or excuse improper actions taken by individuals or organizations in the name of national security.</u> The major lesson of this report is that regardless of the pressures and the need to act, the Intelligence Community's actions must always reflect who we are as a nation, and adhere to our laws and standards. <u>It is precisely at these times of national crisis that our government must be guided by the lessons of our history and subject decisions to internal and external review.</u>”⁹¹</i></p>
<p>McLaughlin: “That context is assessed elsewhere in these essays, but it worth stressing here a few relevant facts from</p>	<p>Contrary to McLaughlin’s insinuation, the Committee Study includes extensive information on how assessed WMD threats contributed to the CIA’s use of enhanced interrogation techniques.</p> <p>For example, page 88 of the Executive Summary describes how</p>

⁹⁰ See pages 30-31 and 164-166 of the Executive Summary of the Committee Study. See also <http://www.theguardian.com/commentisfree/2014/dec/12/interrogated-terrorist-cia-senate-report>

⁹¹ See “Foreword of Chairman Feinstein,” within <http://www.gpo.gov/fdsys/pkg/CRPT-113srpt288/pdf/CRPT-113srpt288.pdf>

<p>that period, now forgotten or perhaps never known by people who did not wake up to them every day. We knew Bin Ladin had met with Pakistani nuclear scientists, to whom he hinted that he had acquired nuclear explosive material; we knew that al-Qa'ida had been working on an anthrax biological weapons program in Afghanistan; we had credible reporting, later confirmed, that a 'second wave' attack was planned on the United States; we were virtually blind as to whether there were other terrorist cells still in inside the United States; and finally, we were being urged by Congress and the administration to do whatever had to be done to stop another attack—a mission that in the early post-9/ 11 years no one else was yet prepared to take on.”</p>	<p>KSM was waterboarded for failing to confirm references in signals intercepts on al-Qa'ida's efforts to obtain “nuclear suitcases.” Subsequent signals intercepts and information from a foreign government would later indicate that the nuclear suitcase threat was an orchestrated scam.⁹² KSM was waterboarded a second time that same day after failing to provide information on operations against the United States or on al-Qa'ida nuclear capabilities.⁹³ After the use of the CIA's enhanced interrogation techniques, CIA officers continued to express concern that KSM was lying and withholding information on WMD.⁹⁴</p> <p>Assessments that al-Qa'ida had an anthrax program also led the CIA to use its enhanced interrogation techniques in a manner that resulted in the acquisition of inaccurate and fabricated reporting. For example, on August 1, 2003, Samr al-Barq, told CIA interrogators that “we never made anthrax.” At the time, he was being subjected to the CIA's enhanced interrogation techniques and was told that the techniques would not stop until he “told the truth.” According to CIA cables, crying, al-Barq then said “I made the anthrax.” Asked if he was lying, al-Barq said that he was. After CIA interrogators “demonstrated the penalty for lying,” al-Barq again stated that “I made the anthrax” and then immediately recanted, and then again stated that he made anthrax. Two days later, al-Barq stated that he had lied about the anthrax production “only because he thought that was what interrogators wanted.”⁹⁵</p> <p>As noted, pages 246-258 of the Executive Summary clearly detail the use of the CIA's enhanced interrogation techniques against detainees in the context of the assessed threat of a “second wave” attack against the United States. As described by the Bush White House, the second wave threat was thwarted with the capture of a key operative. The capture occurred before the CIA had taken custody of any detainees and was therefore, unrelated to the use of the CIA's enhanced interrogation techniques.⁹⁶</p> <p>No member of Congress was briefed on the CIA's enhanced interrogation techniques prior to their use. The full Senate Intelligence Committee was not briefed until September 6, 2006,</p>
--	--

⁹² [REDACTED] 10831 (151510Z MAR 03); [REDACTED] 10841 (152007Z MAR 03); [REDACTED] 10849 (161058Z MAR 03); Interview of [REDACTED], by [REDACTED] and [REDACTED], Office of the Inspector General, May 15, 2003; [REDACTED] 74492 (250843Z JUL 03), disseminated as [REDACTED]; and HEADQUARTERS [REDACTED] (092349Z DEC 04).

⁹³ [REDACTED] 10841 (152007Z MAR 03); [REDACTED] 10831 (151510Z MAR 03)

⁹⁴ DIRECTOR [REDACTED] (121550Z JUN 03)

⁹⁵ See [REDACTED] 1015 (012057Z AUG 03); [REDACTED] 1017 (030812Z AUG 03). See pages 82-83 of the Executive Summary of the Committee Study.

⁹⁶ See page 246 of the Executive Summary of the Committee Study.

	<p>the day the President disclosed the program to the public, and more than four years after the program began.</p>
<p>McLaughlin: “It was the only time in a thirty-year career that I recall feeling like we were in the classic ‘ticking time bomb’ scenario—every single day. But all this said, reasonable people can still differ on the advisability of the CIA’s program, because in the end it involved very personal decisions, complicated trade-offs that everyone has to calculate personally—and that those who were at the Agency at the time truly hope no one will ever face again. However, when it comes to the issue of the program’s effectiveness—whether it produced useful information that helped capture terrorists and disrupt plots—there are <i>facts</i> that must be taken into account, not brushed aside, left out, or distorted, as is so frequently the case in the majority report. In nearly all cases the facts say the program was essential and effective. Problems of methodology and logic run through the majority report’s contention that the program was ineffective... For example, the majority’s conclusions frequently rest on claims that information from CIA detainees was not needed</p>	<p>The Committee Study is a fact-based document based on more than 6.3 million pages of the CIA’s own records. The full Committee Study exceeds 6,700 pages and includes approximately 38,000 footnotes. The CIA resisted the declassification of the 499-page Executive Summary of the report and insisted on significant redactions. Still, neither the CIA, nor its former leadership, has identified any “facts” that were “brushed aside, left out, or distorted” in the Committee Study.</p> <p>Contrary to McLaughlin’s assertion, the CIA’s efforts to obtain approvals were not based on the representation that its enhanced interrogation techniques produced “useful information.” Further, the question of whether information about a suspected terrorist or terrorist plot was available from other sources prior to the “enhanced interrogation” of CIA detainees was not a “methodology” or “logic” invented by the Committee. The representation that the CIA’s enhanced interrogation techniques produced “unique” and “otherwise unavailable” intelligence was central to the CIA’s own efforts to obtain policy and legal approval for the program over the years. This repeated CIA representation can be found, among other places, in Department of Justice opinions approving the techniques.</p>

<p>if some version of it—or even a hint of it—could be found elsewhere or if a detainee outside the program or held by another country had provided something similar. This shows no awareness of how analysis works—or the role that corroboration, additional detail, and puzzle solving play in building confident analyses that can serve as the basis for action. Let's look at a few cases.”</p>	
<p>McLaughlin: “Finding Bin Ladin. The al Qa’ida leader was located in a years-long process that involved painstaking integration of information from multiple sources - human and technical. But the pivotal breakthrough was the identification of the courier who carried messages to and from Bin Ladin. The majority report asserts that the Agency acquired the critical knowledge about the courier independent of its detainee program and before detainees in its interrogation program provided the information. This is incorrect. It is true that the Agency had previously heard of the individual—Abu Ahmed al-Kuwaiti—but only as one of many Bin Ladin associates in Afghanistan.</p>	<p>McLaughlin’s statements are inaccurate. <i>See</i> pages 378-401 of the Executive Summary for the facts derived from the CIA’s own records.</p> <p>First, the information on Abu Ahmed obtained prior to information from CIA detainees included more than a description of Ahmed as “one of many Bin Ladin associates in Afghanistan.” For example, as detailed in CIA records, in 2002, three separate detainees, all in foreign custody, provided detailed information on Ahmed. One indicated that Abu Ahmed may have served as a courier for UBL, as he stated Ahmed “traveled frequently” to “meet with Usama bin Ladin.” Another, a former UBL caretaker, stated that Ahmed was one of three al-Qa’ida associated individuals who visited him, the others being Sa’ad bin Ladin and KSM. And another reported that Ahmed was “one of a few close associates of Usama bin Ladin.”⁹⁷</p> <p>Second, while Hassan Ghul did provide information on Abu Ahmed, McLaughlin fails to note that Ghul provided this information <i>before</i> he was subjected to the CIA’s enhanced interrogation techniques. Specifically, <i>prior</i> to the use of the CIA’s enhanced interrogation techniques, Ghul stated that “it was well known that [UBL] was always with Abu Ahmed [al-Kuwaiti]” whom Ghul described as UBL’s “closest assistant” and one of three individuals likely to be with UBL.⁹⁸ Ghul further speculated that, “UBL’s security apparatus would be minimal, and that the group likely lived in a house with a family somewhere in Pakistan,” and that “UBL likely has maintained a small security signature of circa one or two persons.” Ghul further “speculated that Abu Ahmed</p>

⁹⁷ See pages 380-383 of the Executive Summary of the Committee Study.

⁹⁸ HEADQUARTERS [REDACTED] JAN 04), pages 395-398 of the Executive Summary of the Committee Study.

<p>But detainees in the CIA interrogation program threw a spotlight on Abu Ahmed and pushed him to the top of the list of candidates, causing the agency to focus its research tightly on him. The most specific information about the courier came from an interrogated detainee, Hasan Gul, who strengthened the case by telling of a particular message the courier had delivered from Bin Ladin to his then operation chief, Abu Faraj al-Libi. Finally, interrogated senior operatives— such as al-Libi and 9/ 11 architect Khalid Sheikh Mohammed, who by then were compliant and functioning almost as "consultants"—lied when confronted with what we had learned about the courier, denying that they knew of him. That was a dramatic tip-off that they were trying to protect Bin Ladin, and in many ways it was the convincer. None of this would have been possible without having these individuals in detention and being able to go to them repeatedly</p>	<p>likely handled all of UBL’s needs, including moving messages out to Abu Faraj [al-Libi]....”⁹⁹</p> <p>McLaughlin accurately states that KSM and Abu Faraj al-Libi, both of whom were subjected to the CIA’s enhanced interrogation techniques, lied about Abu Ahmed. KSM stated that Abu Ahmed was not a courier and that he had never heard of Abu Ahmed transporting letters for UBL. Abu Faraj al-Libi denied knowing Abu Ahmed altogether.¹⁰⁰ The argument that these lies are evidence of the effectiveness of the CIA’s enhanced interrogation techniques in eliciting the truth is one of the more bizarre justifications put forth by the CIA and its former leadership in defense of torture.</p> <p>McLaughlin’s statement that al-Libi and KSM were “compliant and functioning almost as ‘consultants’” is inaccurate and unsupported by CIA records. Both detainees were considered unreliable and provided inaccurate information throughout their CIA detention. In June 2003, months after the CIA had stopped using the techniques against KSM, the CIA’s ALEC Station wrote that “KSM’s pattern of behavior over the past three months, trying to control his environment, lying and then admitting things only when pressed that others have been caught and have likely admitted the plot, is a cause for concern.” In an email in October 2003, one CIA officer noted that “what KSM’s doing is fairly typical of other detainees... KSM, Khallad [bin Attash], and others are doing what makes sense in their situation – pretend cooperation.”¹⁰¹</p>
--	---

⁹⁹ HEADQUARTERS [REDACTED] JAN 04, pages 395-398 of the Study.

¹⁰⁰ See pages 387-388 of the Executive Summary of the Committee Study.

¹⁰¹ ALEC [REDACTED] (302258Z JUN 03); Email from: [REDACTED]; to: [REDACTED]; cc: [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED]; cc: [REDACTED]; subject: KSM and Khallad Issues; date: October 16, 2003, at 5:25:13 PM; page 95 of the Executive Summary of the Committee Study.

<p>for clarification of various points and to see how they reacted to information. The authors who prepared the majority report have not done this kind of work and seem not to understand how accumulating detail and corroboration establish confidence sufficient to make momentous decisions like the Abbottabad operation.”</p>	
<p>McLaughlin: “Learning from Abu Zubaydah. Abu Zubaydah was the first major terrorist figure captured after 9/ 11, captured in an operation that took weeks of painstaking intelligence work. His interrogation provided highly valuable information that led to important breakthroughs, such as the apprehension of Jose Padilla, an al Qa’ida collaborator who had been planning attacks on apartment buildings. His information also led to the capture of Ramzi Bin al-Shibh a facilitator of the 9/ 11 attacks who at the time of his capture had recruited four operatives in Saudi Arabia for an attack on London's Heathrow Airport. The majority report stretches vague</p>	<p>These statements by McLaughlin are inaccurate and incongruent with the CIA’s own internal records.</p> <p>The extensive information specifically identifying Jose Padilla and raising concerns about him, all obtained <i>prior</i> to the interrogation of Abu Zubaydah, is detailed on pages 232-234 of the Executive Summary of the Committee Study. Contrary to McLaughlin’s claim that Padilla had only been identified as a “suspicious traveler,” Pakistani authorities had informed the CIA that they had detained and subsequently released Jose Padilla, a U.S. citizen, and his British companion, who was still in detention, “due to concerns about possible terrorist activity.”¹⁰² Subsequently, Abu Zubaydah described, but did not identify, the pair who, he said, had approached him with what he believed was a nonviable “dirty bomb” plot. (The Intelligence Community would also conclude that the plot, which was based on a satirical article, was not viable.)¹⁰³</p> <p>Contrary to McLaughlin’s claims, the Committee Study details how Abu Zubaydah provided this information <i>prior</i> to the initiation of the enhanced interrogation technique program in August 2002. Moreover, CIA records indicate that Abu Zubaydah provided the information to the FBI, who had been eliciting information from him from the beginning, before any CIA intervention, using rapport-building techniques. Sleep deprivation, induced through questioning and not through the subsequent CIA practice of chaining detainees in stress positions, had ceased by the time Abu Zubaydah discussed the “dirty bomb” plot with the FBI, as the CIA</p>

¹⁰² [REDACTED] 10976 (120948Z APR 02)

¹⁰³ [REDACTED] 10090 (210703Z APR 02)

<p>"suspicious traveler" reports to assert wrongly that the CIA had known Jose Padilla as a terrorist before questioning Abu Zubaydah. In fact, it was only after Abu Zubaydah provided information on a specific terrorist plot by individuals matching the description of Padilla and an accomplice that the full picture emerged that led to U.S. Government action. As for the claim that Abu Zubaydah had not been part of the CIA interrogation program when he provided information to the FBI, the majority study leaves out that he could not have been part of a program that had not yet begun. But, he was during this time subjected to significant sleep deprivation; this was then regarded as a standard interrogation technique but was later designated as one of the 'enhanced techniques' authorized by the Justice Department for the CIA program. It was only after Abu Zubaydah was fully integrated into</p>	<p>had determined that Abu Zubaydah's ability to focus on questions and provide coherent answers appeared compromised.¹⁰⁴ Internally, the CIA has acknowledged that Abu Zubaydah's statements related to Padilla could not be attributed to the CIA's enhanced interrogation techniques and that such attributions were "wrong."¹⁰⁵ This information is described in detail from pages 225 to 239 of the Committee Study.</p> <p>The assertion, repeated by McLaughlin, that Abu Zubaydah provided information that led to the capture of Ramzi bin al-Shibh, is notable because it is the <i>only</i> claim the CIA has ever made that Abu Zubaydah provided actionable intelligence during or after he was subjected to the CIA's enhanced interrogation techniques in August 2002. As detailed on pages 316 to 326, this CIA claim is not supported by the CIA's own internal records. CIA records reveal that Abu Zubaydah discussed bin al-Shibh with FBI agents prior to the use of the CIA's enhanced interrogation techniques, and that Abu Zubaydah never provided information on bin al-Shibh's location or any other information on al-Shibh that led to al-Shibh's capture.¹⁰⁶</p> <p>Also prior to the use of the CIA's enhanced interrogation techniques, Abu Zubaydah discussed another individual, Hassan Ghul, who was already a "First Priority Raid Target" for the CIA and the Pakistanis.¹⁰⁷ Prior to the use of the CIA's enhanced interrogation techniques against Abu Zubaydah, the Pakistanis had already identified a well-known associate of Hassan Ghul through whom they were seeking to locate Ghul (the CIA has redacted information on the "well-known associate" that would further undermine their assertion), had raided the home of the associate and had interviewed the associate multiple times. All of this had <i>already</i> occurred when Abu Zubaydah was asked for the first time how Hassan Ghul might be located. As detailed in the Committee Study, Abu Zubaydah responded by suggesting the same, already well-known associate whose home had already been raided.¹⁰⁸ Through a series of events, all unrelated to the CIA's Detention and Interrogation Program, Pakistani interactions with the well-known</p>
--	---

¹⁰⁴ [REDACTED] 10071 (190827Z APR 02); [REDACTED] 10116 (250731Z APR 02)

¹⁰⁵ See, for example, CIA responses to Committee "Questions for the Record" submitted on September 8, 2008. The CIA responses were prepared but never sent to the Committee.

¹⁰⁶ See pages 318-320 of the Executive Summary of the Committee Study.

¹⁰⁷ ALEC [REDACTED] (241447Z MAR 02); [REDACTED] 17369 (131519Z APR 02); [REDACTED] 10091 (210959Z APR 02); [REDACTED] 10102 (230707Z APR 02); [REDACTED] 10144 (271949Z APR 02); [REDACTED] 10271 (151654Z MAY 02); DIRECTOR [REDACTED] (102312Z MAY 02)

¹⁰⁸ See pages 316-326 of the Executive Summary of the Committee Study.

<p>the CIA program that he provided the information that led to Ramzi bin Al-Shibh's capture during Karachi safehouse raids and the disruption of the Heathrow plot.”</p>	<p>associate of Hassan Ghul inadvertently led to the capture of Ramzi bin al-Shibh.¹⁰⁹ See pages 316 to 326 of the Executive Summary for additional details.</p>
<p>McLaughlin: “Capturing 9/ 11 Mastermind Khalid Sheikh Mohammed. Capturing Khalid Sheikh Mohammed (KSM) led to the disruption of the countless plots on which he was still working. But the Committee says interrogation of detainees did not play a role in getting KSM, because a CIA asset who was not a terrorist detainee helped us find him. This is astounding to those of us involved in capture operations. <u>The operational details are still classified to protect sources</u>, but the majority report simply leaves out that <u>it was information provided by an interrogated detainee that connected the key non-terrorist source to KSM</u>. This is another one of those incredible instances in which the authors of the report are essentially telling CIA officers, "You didn't capture KSM the way you think you did." It's borderline Orwellian.”</p>	<p>These statements by McLaughlin are inaccurate and incongruent with the CIA's own internal records.</p> <p>Notwithstanding CIA redactions, the account of the capture of KSM on pages 326-333 of the Committee Study provides significant operational details from the CIA's own internal records to confirm that the capture of KSM was unrelated to information from any CIA detainees.</p> <p>McLaughlin inaccurately states that “it was information provided by an interrogated detainee that connected the key non-terrorist source to KSM.” As detailed in the Study, the source's possible access to KSM was apparent to the CIA as early as the fall of 2001, well before the CIA took custody of its first detainee. In fact, a 2001 cable about the source was forwarded to numerous CTC officers with the subject line: “Access to Khalid Shaykh Muhammad.”¹¹⁰</p> <p>CIA officers were aware that there was no factual basis for the CIA's representations that the CIA's enhanced interrogation techniques contributed to the capture of KSM. On September 11, 2006, five days <i>after</i> the President had repeated the CIA representation in a public speech, a CIA officer questioned whether the cable the CIA cited to support the representation was relevant. The cable had linked Ramzi bin al-Shibh's identification of Ammar al-Baluchi to the capture of KSM. First, however, bin al-Shibh provided this information <i>prior</i> to being rendered to CIA custody and subjected to the CIA's enhanced interrogation techniques. And, second, the identification of Ammar was unrelated to the capture of KSM. As the CIA officer stated, “<i>I presume the information in this cable that supports the statement [in the speech] is Ramzi's admission regarding Ammar?? Did that actually help lead us to KSM?? not sure who did this section, but we may want to double-check this and provide additional cables on how this actually 'assisted us'. This also seems to be a point critics in the</i></p>

¹⁰⁹ See pages 316-326 of the Executive Summary of the Committee Study.

¹¹⁰ Email from: [REDACTED]; to: [REDACTED]; cc: [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED]; subject: Access to Khalid Shaykh Muhammad; date: [REDACTED], 2001, at 6:12:17 AM.

<p>corroboration and source reliability. The report it cites is <i>all</i> we knew; <u>it contained none of the details needed to stop the plot</u>. The information we needed came from [CIA] detainees, starting with KSM, who told us after interrogation that Southeast Asian terrorist Hambali would replace him in this plot. <u>This drove our effort to find Hambali</u>. After that capture, KSM, not knowing Hambali had been captured, said Hambali's brother would take over should Hambali ever be gone. We located his brother and found he had recruited seventeen Southeast Asians and was apparently trying to arrange flight training for them to attack the U.S. West Coast.”</p>	<p>country.” This is inaccurate. CIA records clearly detail how the information came from Masran bin Arshad, who was the cell leader of the plotting. Arshad was arrested in early 2002, and while in foreign government custody, provided detailed information about the now thwarted plot, to include information about the method of attack, the operatives, and why the plot was abandoned.¹¹⁷ In fact, as detailed in the Study, on February 9, 2006, Frances Fragos Townsend, the Assistant to the President for Homeland Security and Counterterrorism, stressed that the arrest of bin Arshad, which occurred prior to the initiation of the CIA program in early 2002, had disrupted the “second wave” plot. As Townsend noted, “[t]he cell leader was arrested in February of 2002, and as we begin – at that point, the other members of the cell believed that the West Coast plot had been cancelled [and] was not going forward... the lead guy is arrested, <u>which disrupts it in February of '02</u>.” A May 23, 2007, White House press release again attributed the disruption of the plot to bin Arshad’s arrest in early 2002.¹¹⁸</p> <p>McLaughlin’s description omits the fact that, even after the use of the CIA’s enhanced interrogation techniques, KSM withheld information about the “second wave” plot until he was confronted with Masran bin Arshad’s arrest and reporting about the plot. In fact, KSM’s <i>lack</i> of cooperation on the issue prompted serious concern at the CIA, including from an officer who wrote, three months after the CIA stopped using the CIA’s enhanced interrogation techniques against KSM, that “[g]iven that KSM only admitted knowledge of this operation upon learning of Masran’s detention, we assess he is not telling all he knows, but rather is providing information he believes we already possess.”¹¹⁹</p> <p>McLaughlin’s statement that reporting from KSM “drove our effort to find Hambali” is also inaccurate. As detailed in the Committee Study, well prior to KSM’s capture, Hambali was a well-known al-Qa’ida operative whom the CIA described in March 2002 as its “number one target” in Southeast Asia (KSM was captured in March 2003).¹²⁰</p> <p>As detailed in the Committee Study, Hambali’s brother was</p>
--	---

¹¹⁷ See pages 252-253 of the Executive Summary of the Committee Study.

¹¹⁸ White House briefing on “the West Coast Terrorist Plot by Frances Fragos Townsend, Assistant to the President for Homeland Security and Counterterrorism,” February 9, 2006; May 23, 2007, White House Press Release entitled “Fact Sheet: Keeping America Safe from Attack.”

¹¹⁹ Email from: [REDACTED]; to: [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED]; subject: Highlight for Coord: KSM and Los Angeles Threat Reporting; date: June 23, 2003, at 02:21 PM. See page 254 of the Executive Summary of the Committee Study.

¹²⁰ DIRECTOR [REDACTED] (241921Z MAR 02). See pages 305-306 of the Executive Summary of the Committee Study.

	<p>captured as a result of information provided by Hambali <i>before</i> Hambali was rendered to CIA custody, as well as other information unrelated to the CIA’s Detention and Interrogation Program.¹²¹ Similarly, the information Hambali’s brother provided on seventeen Southeast Asian students was provided when Hambali’s brother was in foreign government, not CIA custody.¹²²</p> <p>The claim that Hambali’s brother had “recruited” the seventeen students and “was apparently trying to arrange flight training for them to attack the U.S. West Coast” is also inaccurate. <i>See</i> pages 256-258 of the Executive Summary, in particular footnotes 1443 and 1444 for CIA records describing the actual role of the seventeen students and how fabrication related to the use of the CIA’s enhanced interrogation techniques likely led to this erroneous conclusion.</p>
<p>McLaughlin: “Disrupting Plots to Bomb Karachi Hotels. The Committee says interrogation played no role in heading off attacks on the hotels where American and other Western visitors stayed. But they leave out the fact that detainee Abu Zubaydah provided information on how to locate al Qa’ida safe houses in Karachi, in one of which we found the ‘perfume’ letter (KSM told us that ‘perfume’ was a code word associated with the plot) that tipped us to the plots.”</p>	<p>These statements by McLaughlin are inaccurate and incongruent with the CIA’s own internal records. The Karachi plotting was disrupted with the arrests, by Pakistani authorities, of Ammar al-Baluchi and Khalid bin Attash. The arrests were conducted unilaterally by Pakistani authorities as a result of a criminal lead and were unrelated to the CIA’s Detention and Interrogation program.¹²³ The CIA has now acknowledged that the plotting by Ammar al-Baluchi and Khalid bin Attash was unrelated to the “perfume letter.” <i>See</i> pages 6-7 of the CIA’s Response to the Committee Study.</p>
<p>McLaughlin: “By contrast, the majority</p>	<p>The CIA first began using the term “prosecutor’s brief” in early 2013.¹²⁴ It appears the CIA borrowed this phrase from Dick</p>

¹²¹ *See* page 255, footnote 1432 of the Executive Summary of the Committee Study.

¹²² *See* pages 255-256 of the Executive Summary of the Committee Study. *See* also information on the capture of Ramzi bin al-Shibh on pages 316-326.

¹²³ *See* page 243 of the Executive Summary of the Committee Study.

¹²⁴ *See* Scott Shane “C.I.A.’s History Poses Hurdles for an Obama Nominee,” *The New York Times*, March 6, 2013; and 2/7/13 Senate hearing transcript where, according to Vice Chairman Chambliss, in closed door meetings, John Brennan stated that the Committee Study “was not objective,” it was “a prosecutor’s brief, written with an eye toward finding problems.”

<p>report is an unrelievedly prosecutorial brief, lacking any recommendations, and refusing to wrestle with the tough trade-offs often involved in national security decisions. As such, it should provoke skepticism among even the most committed opponents of the CIA program.”</p>	<p>Cheney, who attempted to dismiss the Congressional Iran-Contra Report as “<u>an advocate's legal brief.</u>” Cheney wrote in his minority views: “We always knew, of course, that there would be differences of interpretation. We had hoped at the start of this process, however, to arrive at a mutually agreeable statement of facts. Unfortunately, that was not to be. The narrative is not a fair description of events, <u>but an advocate's legal brief</u> that arrays and selects so-called ‘facts’ to fit preconceived theories.”¹²⁵</p> <p>McLaughlin’s statement that there have been no recommendations is also inaccurate. On December 30, 2014, Chairman Feinstein wrote a public letter to President Obama outlining an extensive set of recommendations arising from the Committee Study. Two of those recommendations – establishing the U.S. Army Field Manual as the exclusive set of interrogation techniques and requiring the U.S. government to provide ICRC access to detainees – passed the U.S. Senate by an overwhelming bipartisan majority of 78-21.¹²⁶</p> <p>The charge that the Committee Study has “refus[ed] to wrestle with the tough trade-offs often involved in national security decisions” is premised on the assertion that torture, while contrary to American values, is effective. As the CIA’s own records demonstrate, that premise is inaccurate. As previously described, the current CIA Director, John Brennan, has written that he remains “firm” in his belief that “enhanced interrogation techniques are an inappropriate method for obtaining intelligence.”¹²⁷ As detailed in the Study, the CIA had reached the conclusion that coercive interrogation techniques were ineffective prior to September 11, 2001. Page 44 of the Executive Summary details how: “In January 1989, the CIA informed the Committee that ‘inhumane physical or psychological techniques are counterproductive because they do not produce intelligence and will probably result in false answers.’ Testimony of the CIA deputy director of operations in 1988 denounced coercive interrogation techniques, stating, ‘[p]hysical abuse or other degrading treatment was rejected not only because it is wrong, but because it has historically proven to be ineffective.’”</p>
<p>McLaughlin: “A key reason for the report's one-dimensional quality is the Committee's failure to</p>	<p>The Committee Study includes extensive accounts of the perspectives of CIA leadership, expressed in congressional testimony and in interviews with the CIA’s Inspector General and Oral History Program. Subsequent to the release of the Committee</p>

<http://www.intelligence.senate.gov/hearings.cfm?hearingid=9318ed50aab093c084477e4ac0e75c65&witnessId=9318ed50aab093c084477e4ac0e75c65-0-1>

¹²⁵ <http://www.nytimes.com/1987/11/17/world/reports-of-the-iran-contra-committees-excerpts-from-the-minority-view.html>

¹²⁶ <http://thehill.com/policy/national-security/245117-senate-votes-to-permanently-ban-use-of-torture>

¹²⁷ [https://www.cia.gov/library/reports/CIA June2013 Response to the SSCI Study on the Former Detention and Interrogation Program.pdf](https://www.cia.gov/library/reports/CIA%20June2013%20Response%20to%20the%20SSCI%20Study%20on%20the%20Former%20Detention%20and%20Interrogation%20Program.pdf)

<p>interview any of the key participants. Its claim that people were unavailable because they were the subject of legal proceedings is just plain wrong. Three CIA Directors who managed the program and three deputies were not involved in legal proceedings, and the CIA officers who were subjects had completed their involvement in 2012, two years before the report was released.”</p>	<p>Study, these former CIA leaders – in interviews, articles and this current collection of essays– have also conveyed their views.</p> <p>In August of 2012, the Department of Justice ended the investigation that had precluded interviews of CIA officers. The Study was then largely complete and being reviewed by Members and staff prior to the December 2012 adoption of the report. During the intervening time before the December 2014 release, the Committee waited for six months as the CIA prepared its formal response. The Committee then discussed the CIA’s response with CIA officers over several months and integrated the CIA’s response (which included the perspectives of former and current CIA leadership and officers) into the final edits. The Committee then engaged with the CIA and the White House over a period of eight months on the declassification of a small component of the report, a 499-page Executive Summary. The CIA resisted efforts to declassify the facts that clearly identified how the CIA had provided inaccurate and misleading information on the program.</p>
<p>McLaughlin: “This contrasts again with successful investigatory efforts such as that of the 9/ 11 Commission, which not only did extensive interviews but also sought comments on its draft chapters. At the end of the process, the CIA did not agree with everything the Commission said but it accepted the recommendations and acted on them.”</p>	<p>Contrary to McLaughlin’s assertion, the Committee sought CIA comments on the Committee Study. The Committee requested those comments by February 15, 2013, but did not receive the CIA Response until June 26, 2013. The Committee then spent months meeting with the CIA about its response. The Committee then integrated the CIA’s perspective into the final edits of the final Committee Study. As noted above, the CIA’s Response included the perspectives of current and former CIA leadership and officers.</p> <p>The CIA has not only not responded to the recommendations proposed by Chairman Feinstein in her December 30, 2014, letter to the President, it has yet to describe any progress in implementing its <i>own</i> recommendations, as articulated in its June 2013 Response.</p>
<p>McLaughlin: “Had the Senate majority, staff done interviews with participants, it would have had to react to many inconvenient facts that are for the most part left out or ‘spun’ in a way that CIA officers would have disputed:</p> <ul style="list-style-type: none"> • The CIA's refusal to proceed with its program without 	<p>McLaughlin’s statements are inaccurate.</p> <p>First, the Committee Study details extensively the CIA’s interactions with the White House, the Department of Justice, and the Congress. In the Executive Summary alone, <i>see</i>, for example, pages 11, 20, 22-23, 33-40, 47-49, 115-119, 134-136, 139, 140-141, 142, 145-147, 149-151, 157, 158-160, 161, 162-164, 170-171, 172-178, 179-181, 183-184, 186-189, 194-204, 216-217, 344-347, 349-352, 403-404, 409-456, and 462-499. This information includes White House and Department of Justice approvals and the full history of the program, including instances in which the use of the CIA’s enhanced interrogation techniques was suspended. This material is covered in hundreds of pages in the full 6,700-page</p>

<p>unqualified and repeated Justice Department and White House approval</p> <ul style="list-style-type: none"> • The Agency's halting of the program any time either DOJ or the White House blinked • The Agency's self-policing of the program when infractions occurred—accountability proceedings for thirty individuals with sixteen sanctioned, along with approximately twenty referrals to the Justice Department, resulting in one person imprisoned and a contractor fired • The approximately sixty instances in which the Senate-confirmed inspector general examined interrogation-related issues • The years-long review of the program, at the Obama administration's request, by Justice Department special prosecutor John Durham (examining the interaction between CIA personnel and approximately a hundred detainees) and his finding of no prosecutable offense 	<p>report.</p> <p>Second, the Committee Study provides extensive CIA records supporting the conclusion that the CIA rarely reprimanded or held personnel accountable for serious and significant violations, inappropriate activities, and systemic and individual management failures. Moreover, the CIA now largely agrees with this conclusion, stating in its June 2013 Response:</p> <p><i>“Our review of this Conclusion did indeed indicate significant shortcomings in CIA’s handling of accountability for problems in the conduct and management of CIA’s RDI activities... The first argument [in the Study] is that in some important cases involving clearly evident misconduct, CIA did not in the end sufficiently hold officers accountable even after full investigation and adjudication. We largely concur, although we would take the Study’s argument one step further. The Study focuses on the inadequate consequences meted out for line officers who acted improperly when conducting interrogations in the field or by providing insufficient rationales necessary to justify detentions. To us, an even more compelling concern is that the Agency did not sufficiently broaden and elevate the focus of its accountability efforts to include more senior officers who were responsible for organizing, guiding, staffing, and supervising RDI activities, especially in the beginning.”</i>¹²⁸</p> <p>Third, the Committee Study includes extensive information on the role of the CIA Inspector General, including numerous instances in which CIA officers provided inaccurate information to the Inspector General. The Committee Study also describes how Director Goss requested in writing that the Inspector General not initiate further reviews of the CIA’s Detention and Interrogation Program until reviews already underway were completed, and how Director Hayden ordered an unprecedented review of the Office of the CIA Inspector General in response to their inquiries into the CIA program.</p> <p>Fourth, with regard to McLaughlin’s statement about the Department of Justice investigation, the decision by the Department of Justice not to prosecute individuals at the CIA is irrelevant to the Committee’s factual history of the program, which is based on more than 6.3 million pages of the CIA’s own records.</p>
--	---

¹²⁸ CIA Response, page 8.

<ul style="list-style-type: none">• Finally, the sixty -plus occasions between 2002 and 2008 when the CIA briefed the Intelligence Committee leadership (or the full Committee after 2006) on the interrogation program.”	
---	--

First Amendment Wrongs Michael Morell	
<p>Background on former Acting CIA Director Michael Morell</p>	<p>Michael Morell served as acting CIA Director from November 2012 to March 2013. On May 15, 2015, Morell told NBC News reporter Andrea Mitchell that he had not read the full 500-page publicly released summary of the Senate’s <i>Committee Study of the CIA Detention and Interrogation Program</i> (Morell: “I read the summary conclusions and case studies. That was 300 pages. I skimmed the rest of the report.”). Morell had previously informed Senator Feinstein that he had not read the full, classified version of the Committee Study.</p> <p>Michael Morell’s May 12, 2015, book, written with Bill Harlow, entitled “The Great War of Our Time: The CIA’s Fight Against Terrorism – From al Qa’ida to ISIS,” includes extensive amounts of inaccurate and misleading information related to the CIA’s Detention and Interrogation Program and the Committee Study. Those inaccurate and misleading statements are described in a 54-page document here:</p> <p>http://www.feinstein.senate.gov/public/index.cfm/files/serve/?File_id=e369f4a2-6993-43d2-aa99-23c15075dd4d</p>
<p>Quotes/Assertions in Essay from Former Acting CIA Director Michael Morell</p>	<p>Facts As Detailed in CIA and Committee Records</p>
<p>Morell: “The media failed in three ways. First, led by national security print journalists, the media <u>inaccurately characterized just whose report this was.</u> The <i>Washington Post</i> headline read (my emphasis): “<i>Senate Report on CIA Program Details Brutality, Dishonesty.</i>”</p>	<p>The talking points of ex-CIA officials implicated in the CIA’s Detention and Interrogation Program consistently refer to the Senate Study as the “majority’s report” or the “Democrats” report. This characterization of the report is inaccurate. As detailed below, despite then-Vice Chairman Bond’s withdrawal from the Study in September 2009, the report maintained bipartisan support from its inception to its completion.</p> <p>The Terms of Reference that guided the investigation was approved with a strong bipartisan vote of 14-1 on March 5, 2009.¹²⁹ While the then-Vice Chairman withdrew from the investigation in</p>

¹²⁹ See <http://www.intelligence.senate.gov/publications/report-select-committee-intelligence-covering-period-january-3-2013-january-5-2015>. The vote to approve a Committee investigation of the CIA’s Detention and Interrogation Program occurred during a period of time when there were increasing calls for a “truth commission” to examine U.S. counterterrorism policies, including an examination of the potential use of “torture” by the CIA. See, for example, <http://roomfordebate.blogs.nytimes.com/2009/03/02/a-truth-commission-for-the-bush-era/>

<p>The <i>Wall Street Journal</i> headline said, "<i>Senate Report Calls CIA Interrogation Tactics Ineffective.</i>" The first sentence of the <i>New York Times</i> piece read, "The <i>Senate Intelligence Committee</i> on Tuesday issued a sweeping indictment of the Central Intelligence Agency's program to detain and interrogate terrorism suspects"</p> <p>"Senate report?" Senate Intelligence Committee report? Just not true. <u>The report was not a report of the entire Senate Select Committee on Intelligence</u>; it was a report of the Democrats on the Committee, led by the then Chair, Dianne Feinstein. Democratic staff of the Committee prepared the report; <u>not a single Republican staff member participated in the study</u>. The Committee approved the report along largely partisan lines. Only a lone Republican, Olympia Snowe, voted in favor of the report. The media had a responsibility to make clear that this was a report by only one side of the aisle. By failing to characterize the report as such, the media gave the</p>	<p>September 2009, in objection to an announced parallel Department of Justice criminal investigation into CIA abuses, the Committee Study continued to receive bipartisan support. On December 13, 2012, the Committee approved a 6,300-page Study with a <u>bipartisan vote</u> of 9-6, with Senator Olympia Snowe voting in favor.¹³⁰ In addition, Senator McCain, an ex officio member of the Committee, voiced support for the Study and documented this support in writing.¹³¹ Republican staff made recommendations for improving the report both prior to December 2012, and prior to December 2014. Many of the recommendations were accepted and incorporated into the report. Finally, the Committee agreed with a bipartisan vote of 11-3 to seek declassification of the Executive Summary of the updated 6,700-page Study on April 3, 2014. The 6,700-page final Study received the support of Republican Senator Susan Collins—who participated in the revisions to the final report. Further, Independent Senator Angus King, made significant contributions to the final report and strongly supported its conclusions and public release.¹³²</p>
---	---

¹³⁰ Information on this bipartisan vote is publicly available. For example, see

<http://www.reuters.com/article/2012/12/14/us-usa-interrogations-idUSBRE8BD01420121214>

¹³¹ <http://www.mccain.senate.gov/public/index.cfm/2012/12/post-95e0a445-d569-80f9-f216-89ec7a7b6928>

¹³² See pages 455-456 of the Executive Summary of the Committee Study, as well as pages 512-520.

<p>report more credibility in the eye of the public than it deserved. A more accurate headline would have been, ‘Democrats on Senate Intelligence Say ...’ Not a single major media outlet took this approach in its reporting.”</p>	
<p>Morell: “Second, and relatedly, the media failed to <i>highlight that two other reports were released that same day</i>—one outlining the views of Republicans on the Committee and another outlining the views of CIA. While most news outlets mentioned the Republican and CIA responses, these references were brief and placed far down in the article (the <i>New York Times</i> piece did not even notice the Republican response). No media outlet focused on the multiplicity of reports <i>as a story</i>. I kept looking for a media story titled, ‘Intelligence Committee Members at Odds on CIA Program,’ but I never found it. During the report's rollout, the media reported the views of one political party without reporting the views of the other.”</p>	<p>Many of Morell’s statements in this passage are factually inaccurate.</p> <p>First, there are not “two other reports.” There is only one report on the CIA’s Detention and Interrogation Program. As detailed in the Committee Study, the report grew out of a review of the CIA’s unauthorized destruction of interrogation videotapes. The investigation began in December 2007. The investigation led to a bipartisan vote of 14-1 in March 2009 to begin what is now known as the “Committee Study of the CIA’s Detention and Interrogation Program.” The final document exceeds 6,700-pages with nearly 38,000 footnotes, mostly citing to the CIA’s own records.</p> <p>The CIA Response is not a separate report: The CIA has acknowledged that it never conducted its own formal review of the program that included a review of the effectiveness of the CIA’s enhanced interrogation techniques. However, an internal review, known as the “Panetta Review,” came to many of the same conclusions of the Committee, including the conclusion that the CIA had provided inaccurate information to “key policymakers—including the President and Congress.” The CIA has resisted efforts to declassify and release the Panetta Review. The formal June 2013 CIA Response to the Committee Study did not purport to be a thorough review of the CIA program. As Director Brennan’s submission letter acknowledges, the Response only addresses the details of the 20 effectiveness case studies and otherwise only reviewed the Study’s conclusions (the December 2012 version).¹³³ The CIA’s June 2013 Response includes numerous inaccuracies. The final December 2014 Committee Study, which was revised following receipt of the CIA Response, details those inaccuracies in numerous footnotes.</p> <p>The Committee minority did not conduct a study of the CIA’s Detention and Interrogation Program. The then-Vice Chairman withdrew from the review in September 2009. Indeed, the Minority</p>

¹³³ Letter from Director Brennan to Senators Feinstein and Chambliss, June 27, 2013, p. 2.

	<p>Views clearly acknowledge that their views were “in response to, and at points predicated upon, the research and foundational work that underlie the Study’s account of the CIA Detention and Interrogation Program.” The minority further acknowledges that “[t]hese Views should not be treated as an independent report based upon a separate investigation, but rather our evaluation and critique of the Study’s problematic analysis, factual findings, and conclusions.”</p>
<p>Morell: “If any reporter had asked me, ‘Michael, why do you say the report is flawed?’ I would have said, ‘Not only is the report deeply flawed , it is the most deeply flawed study I saw during my thirty-three years in government.’ Then I would have pointed out that <u>there are three types of flaws in the report-- errors of fact, errors of context, and errors of logic.</u> I would have told reporters that the definition of an error of fact is obvious, as are the implications for the quality of any resulting judgments. Errors of context occur when the facts are correct but additional facts are missing that would provide a more accurate understanding of the issue at hand. Errors of logic arise when the facts are correct but those facts simply do not add up to the stated conclusion. <u>Then I would have</u></p>	<p>Many of Morell’s statements in this passage are factually inaccurate. And Morell continues to fail to identify any factual inaccuracies in the Committee Study.</p> <p><u>So-called “Errors of Fact”:</u> The only “error of fact” provided by Morell is inaccurate. Contrary to the assertion offered by Morell, the Committee Study (including the declassified Executive Summary) clearly details the CIA’s view that the White House ultimately restricted access (<i>see</i> page 18: “The CIA’s June 27, 2013, Response to the Committee Study of the CIA’s Detention and Interrogation Program states that these limitations were dictated by the White House”). The Committee Study further describes the CIA’s own June 2013 Response to the Committee Study acknowledging that the CIA was “comfortable” with not briefing the full Committee. The CIA stated to the Committee in writing: “We do not want to suggest that CIA chafed under these restrictions; on the contrary, [CIA] undoubtedly was comfortable with them.”¹³⁴ The Committee Study also details how the CIA sought to deny access to information about the program to the Chairman of the Committee (Graham) and provided information only when necessary.¹³⁵ For example, the CIA internally acknowledged that the “only reason” for briefing the Chairman and Vice Chairman on Janat Gul, the detainee whose 2004 interrogation marked the resumption of the use of the CIA’s enhanced interrogation techniques after they had been suspended, was the “potential gain for us” as “the vehicle for briefing the committees on our need for renewed legal and policy support for the CT detention and interrogation program.”¹³⁶ The Committee Study provides extensive details on how the CIA declined to provide answers to questions from Senators about the program before September 2006, and how the CIA provided inaccurate information to Senators about the program before and after September 2006. The Committee Study details how the CIA has acknowledged internally that information provided by the CIA was inaccurate.</p>

¹³⁴ See page 16 of the CIA Response.

¹³⁵ See Conclusion #6 of the Executive Summary of the Committee Study.

¹³⁶ Email from: [REDACTED]; to: [REDACTED]; subject: Re: Priority: congressional notification on Janat Gul; date: July 29, 2004; page 345 of the Executive Summary of the Committee Study.

<p><u>provided reporters with examples of each type of error from just the report's first several pages.</u></p> <p>First, an error of fact. On page 6, a sentence reads, <u>“The CIA restricted access to information about the program from members of the committee beyond the chairman and vice chairman until September 6, 2006”</u> Wrong. The CIA did not restrict access to the Committee leadership; the White House did, as was its prerogative—a big difference. Also, it was not just the Chairman and Vice Chairman who were briefed; it was also members of their senior staff.</p>	<p>The CIA continued to attempt to restrict information on the program from the Committee after September 2006. For example, after the CIA began briefing the full Committee in September 2006, CIA Director Hayden personally recommended against expanding access to the program to more than two staff members. The CIA Director also refused to answer questions about the locations of past and present detention sites, as well as the arrangements made with countries hosting CIA detention sites.¹³⁷</p> <p>Morell provides no other so-called “errors of fact.”</p>
<p>Morell: “How about an error of context? On page 5, the report states, ‘The CIA did not brief the leadership of the Senate Select Committee on Intelligence on the CIA's enhanced interrogation techniques until September 2002, after the techniques had been approved and used.’ <u>Absolutely true, and it</u></p>	<p><u>So-called “Errors of Context”:</u> Morell fails to identify an “error of context.” The Committee Study details the history of the origins of the CIA program and the inaccurate information provided to Congress. In April 2002, the CIA inaccurately represented to Congress that it “has no current plans to develop a detention facility.”¹³⁸ Briefings to the Committee in the spring of 2002 emphasized the expertise of FBI and CIA interrogators engaged in the Abu Zubaydah interrogations and provided no indication that coercive techniques were being used or considered, or that there was significant disagreement between the CIA and the FBI on proposed interrogation approaches.¹³⁹ In early August 2002, after the Department of Justice determined that the use of the CIA’s enhanced interrogation techniques on Abu Zubaydah would be</p>

¹³⁷ See for example, page 442 of the Executive Summary of the Committee Study.

¹³⁸ CIA responses to Questions for the Record (hearing, March 6, 2002), April 18, 2002.

¹³⁹ Transcript of “Update on War on Terrorism,” April 24, 2002.

<p>sounds bad. It sounds like a great example of the report's conclusion that CIA worked to undermine the Committee's oversight of the program. But not quite—not if you know some additional facts, not if you have the context. Abu Zubaydah was the first detainee subjected to enhanced interrogation techniques (EITs). The first use of EITs on Abu Zubaydah occurred in August 2002—<i>while Congress was on recess</i>. The leadership of the House intelligence committee was briefed on September 4, <i>the very first day Congress returned from recess</i>, and the leadership of the Senate intelligence committee was briefed on 27 September (the CIA had offered to do the briefing much earlier). So, once you have the context—the additional facts—to make this an example of CIA keeping the Congress in the dark looks all of sudden like a stretch.”</p>	<p>legal, the CIA considered briefing the Committee on the CIA’s interrogation techniques, but did not.¹⁴⁰</p> <p>Briefings During Congressional Recess: Morell indicates that the CIA could not have briefed the Chairman and Vice Chairman (and their respective staff directors) in August 2002, because the Senate was in recess. As a former Acting CIA Director and Deputy Director of the CIA, Morell should know that the Chairman and Vice Chairman are regularly briefed during recess periods on classified matters. The CIA—both then and now—has the capability to speak on classified matters with Committee leadership remotely (a practice used often). Further, in rare cases where either the Chairman or Vice Chairman is unavailable, the CIA briefs the respective staff directors. As Morell would know, staff directors continue to work in the Senate during the August recess. Further, as detailed in the Committee Study, the CIA engaged in detailed conversations about the use of what would become known as the “CIA’s enhanced interrogation techniques” in June 2002, and continued those discussions through July 2002, which included discussions with the Department of Justice. At no time during this period did the CIA seek to inform the Chair and Vice Chairman of the Committee that the CIA was considering using these coercive techniques against U.S. detainees.</p>
<p>Morell: “What about an error of logic? On page 2, we read the first main finding of the report: ‘The CIA’s use of its enhanced interrogation techniques was not an effective</p>	<p>Morell purports to provide an “error of logic” by selectively omitting text from the Committee Study, and then falsely suggesting that the Committee’s conclusion is based solely on the information Morell provides.¹⁴¹ Without Morell’s omission, the Committee Study states: “The Committee finds, <u>based on a review of CIA interrogation records [6.3 million pages]</u>, that the use of the CIA’s enhanced interrogation was not an effective means of</p>

¹⁴⁰ Email from: John Moseman; to: Stanley Moskowitz, et al.; subject: Abu Zubaydah interrogation; date: August 3, 2002, at 11:34:13 AM.

¹⁴¹ Morell repeats this passage in his book on page 264. See http://www.feinstein.senate.gov/public/index.cfm/files/serve/?File_id=e369f4a2-6993-43d2-aa99-23c15075dd4d

<p>means of acquiring intelligence or gaining cooperation from detainees.’ Let’s take the report’s first three pieces of ‘evidence’ for this conclusion.”</p>	<p>acquiring intelligence or gaining cooperation from detainees.” The conclusion reached by the Committee, as described in the Study, is based on the totality of the CIA records reviewed by the Committee, not merely by “three pieces of evidence” cited by Morell.</p>
<p>Morell: “Number One: ‘According to CIA records, seven of the 39 CIA detainees known to have been subjected to the CIA’s enhanced interrogation techniques produced no intelligence while in CIA custody.’ Wait a minute. That is not an argument that EITs were not effective but that they <i>were</i>, as <u>presumably thirty-two of thirty-nine detainees subjected to EITs did produce intelligence!</u>”</p>	<p>Morell appears to be arguing that the fact that 32 of 39 CIA detainees subjected to the CIA’s enhanced interrogation techniques produced at least one intelligence report is evidence for the effectiveness of the CIA’s “enhanced interrogation techniques” (Morell: “Wait a minute. That is not an argument that EITs were not effective but that they <i>were</i>, as <u>presumably thirty-two of thirty-nine detainees subjected to EITs did produce intelligence!</u>”). However, as CIA records reveal, of the 32 detainees who produced at least one intelligence report, many, including high profile detainees like Abu Zubaydah and Hassan Ghul, provided significant amounts of accurate intelligence prior to being subjected to the CIA’s enhanced interrogation techniques. Others subjected to the techniques, fabricated information. Morell also ignores the CIA’s own standard for the effectiveness of the CIA’s enhanced interrogation techniques: the production of “unique” and “otherwise unavailable” intelligence that led to the disruption of plots and the capture of specific terrorists.</p>
<p>Morell: “Number Two: ‘CIA detainees who were subjected to the CIA’s enhanced interrogation techniques were usually subjected to the techniques <u>immediately after</u> being rendered to CIA custody.’ This might be an argument <u>that CIA moved too quickly to use EITs—which is not correct by the way</u>—but it is certainly not an argument that those techniques were not effective. <u>No logical linkage there.</u>”</p>	<p>In the previous passage, Morell argues that the fact that 32 of the 39 detainees subjected to the CIA’s enhanced interrogation techniques produced at least one intelligence report is evidence enough for Morell of the effectiveness of the techniques. (Morell: “Wait a minute. That is not an argument that EITs were not effective but that they <i>were</i>, as <u>presumably thirty-two of thirty-nine detainees subjected to EITs did produce intelligence!</u>”). In this passage, Morell appears to argue that his determination on the effectiveness of techniques (as described above) is unchanged by the fact that a majority of the 39 detainees were never given an opportunity to provide information prior to being subjected to the techniques.</p> <p>Independent of Morell’s “logic,” the CIA repeatedly represented to the White House, Congress, and the Department of Justice that (1) enhanced interrogation techniques were “<u>necessary</u>” to obtain “otherwise unavailable” intelligence, and (2) detainees were always given an opportunity to provide information <u>prior to being subjected to waterboarding, walling, and other enhanced interrogation techniques</u>. As described in detail in the Committee Study, these representations were, in the most prominent cases, inaccurate.</p>

	<p>Morell’s statement that the CIA did not immediately subject detainees to its enhanced interrogation techniques is inaccurate. Prominent examples included in the Executive Summary of the Committee Study include KSM,¹⁴² Ammar al-Baluchi,¹⁴³ Khallad bin Attash,¹⁴⁴ and Zubair.¹⁴⁵</p>
<p>Morell: “Number Three: ‘Other detainees provided significant accurate intelligence prior to, or without having been subjected to these techniques.’ Yes, many detainees did not need to be subjected to the enhanced techniques, because for them traditional interrogation methods worked just fine. Yes, even those <u>subjected to harsh techniques provided some information before enhanced techniques</u> were employed <u>but had been judged not to be providing everything they knew.</u>”</p>	<p>Per Morell’s passage, it is not that some detainees “<u>subjected to harsh techniques provided some information before enhanced techniques.</u>” it is that the CIA <u>falsely</u> represented that specific information was acquired during or after the use of the techniques, and that therefore the CIA <u>falsely</u> represented that the techniques were “necessary” to acquire the represented information. For example, as the Committee Study details,¹⁴⁶ Abu Zubaydah provided significant information on Ramzi bin al-Shibh prior to being subjected to the CIA’s enhanced interrogation techniques. However, in composing a speech for the President, the CIA omitted all references to the same intelligence Abu Zubaydah had provided before the techniques, and instead, only cited the information Abu Zubaydah later repeated after having been subjected to the techniques. Including this in the President’s speech would have undermined the CIA’s representations that the techniques were “necessary” to acquire the referenced intelligence (which itself, was already known by the Intelligence Community prior to Abu Zubaydah’s statements).</p> <p>Morell also does not address the fact that others in the group of 32 CIA detainees provided significant accurate intelligence to foreign governments (who were using non-coercive interrogation techniques) prior to their rendition to CIA custody.</p> <p>Finally, Morell ignores the fact that the CIA consistently and inaccurately assessed that specific detainees possessed more information than they did, leading to inaccurate assessments that the detainees were “holding back.” For example, <i>see</i> page 68 of the Executive Summary of the Committee Study, which details how CIA Headquarters disputed detention site assessments that detainee al-Nashiri was cooperative. CIA Headquarters wrote: “it is inconceivable to us that al-Nashiri cannot provide us concrete</p>

¹⁴² [REDACTED] 34491 (051400Z MAR 03). *See* page 82 of the Executive Summary of the Committee Study.

¹⁴³ [REDACTED] 38325 [REDACTED]; [REDACTED] 38389 [REDACTED]. *See* page 244 of the Executive Summary of the Committee Study.

¹⁴⁴ [REDACTED] 38325 [REDACTED]; [REDACTED] 38389 [REDACTED]. *See* page 244 of the Executive Summary of the Committee Study.

¹⁴⁵ [REDACTED] 40568 [REDACTED]. *See* page 309 of the Committee Study.

¹⁴⁶ *See* page 199 of the Executive Summary of the Committee Study: “An updated CIA ‘validation’ document concurring with the proposed passage provided a modified list of CIA cables as ‘sources’ to support the passage [of the President’s speech]. Cable citations to Abu Zubaydah’s reporting prior to the use of the CIA’s enhanced interrogation techniques were removed.”

	<p>leads.... When we are able to capture other terrorists based on his leads and to thwart future plots based on his reporting, we will have much more confidence that he is, indeed, genuinely cooperative on some level.”</p> <p>As stated above, the CIA consistently represented to the White House, Congress, and the Department of Justice that (1) enhanced interrogation techniques were “<u>necessary</u>” to obtain “otherwise unavailable” intelligence and that (2) detainees were always given an opportunity to provide information prior to being subjected to waterboarding, walling, and other enhanced interrogation techniques. The CIA repeatedly pointed to specific information acquired from CIA detainees reportedly obtained only “after” the use of the CIA’s enhanced interrogation techniques as evidence for the effectiveness of the CIA’s enhanced interrogation techniques. As described in detail in the Senate Report, these representations were, in the most prominent cases, inaccurate.</p>
<p>Morell: “But again, the fact as presented is simply <u>not a basis on which to judge that the techniques were not effective.</u>”</p>	<p>Again, Morell purports to identify an “error of logic” by selectively omitting text from the Committee Study, and then falsely suggesting that the Committee’s conclusion is based solely on the factoids Morell provides.¹⁴⁷ Without Morell’s omission, the Committee Study states: “The Committee finds, <u>based on a review of CIA interrogation records [6.3 million pages]</u>, that the use of the CIA’s enhanced interrogation was not an effective means of acquiring intelligence or gaining cooperation from detainees.” The conclusion reached by the Committee, as described in the Study, is based on the totality of the CIA records reviewed by the Committee, not merely by “three pieces of evidence” cited by Morell.</p> <p>Morell ignores the following information in the same passage he cites, which states:</p> <p><i>“While being subjected to the CIA's enhanced interrogation techniques and afterwards, multiple CIA detainees fabricated information, resulting in faulty intelligence. Detainees provided fabricated information on critical intelligence issues, including the terrorist threats which the CIA identified as its highest priorities.</i></p> <p><i>At numerous times throughout the CIA's Detention and Interrogation Program, CIA personnel assessed that the most effective method for acquiring intelligence from detainees, including from detainees the CIA considered to be the most ‘high-value,’ was to confront the detainees with information already</i></p>

¹⁴⁷ Morell repeats this passage in his book on page 264. See http://www.feinstein.senate.gov/public/index.cfm/files/serve/?File_id=e369f4a2-6993-43d2-aa99-23c15075dd4d

	<p><i>acquired by the Intelligence Community. CIA officers regularly called into question whether the CIA's enhanced interrogation techniques were effective, assessing that the use of the techniques failed to elicit detainee cooperation or produce accurate intelligence."</i></p> <p>Morell ignores the CIA's own records that repeatedly detail how CIA detainees subjected to the CIA's enhanced interrogation techniques reacted to the techniques by fabricating intelligence, including on critical issues, such as terrorist threats which the CIA identified as its highest priorities. The CIA's internal records, as detailed in the Committee Study, clearly show how, at numerous times throughout the program, CIA personnel assessed that the most effective method for acquiring intelligence from detainees was to confront them with information already acquired by the Intelligence Community. Internal CIA records also detail how CIA officers regularly called into question the so-called "effectiveness" of the CIA's enhanced interrogation techniques, assessing or stating in internal communications that the use of the techniques failed to elicit detainee cooperation or produce accurate intelligence. The official CIA Response to the Committee Study, led by Morell, concedes the CIA never conducted its own effectiveness review of the CIA's enhanced interrogation techniques.</p>
<p>Morell: "I would have ended my discussion with journalists by <u>saying that these examples are just the tip of the iceberg (the entire six-thousand-page report is riddled with such errors)</u>, and I would have told reporters that I pointed out examples just like these to Senator Feinstein and her staff in a meeting in June 2013."¹⁴⁸</p>	<p>In the June 2013 meeting between Senator Feinstein and her staff, Mr. Morell did claim that the report had "errors." When pressed for an example, Mr. Morell stated that it was information from the CIA's enhanced interrogation techniques used against Abu Zubaydah that led to the capture of Ramzi bin al-Shibh. When Morell was confronted with CIA records disputing this claim (and showing the Pakistani government had already acted on the same information acquired from another source weeks prior), Morell stated that he was "not in the weeds" and therefore could not provide any evidence for his assertions.¹⁴⁹ Later, Mr. Morell informed Senator Feinstein he had not read the full, classified version of the Committee Study.</p>

¹⁴⁸ As detailed in the Executive Summary of the Committee Study, as early as November 2001, CIA lawyers stated that criminal prosecutions against allegations of torture by CIA officials could possibly be thwarted if the CIA argued that it had "saved lives" as a result of torture. Later, on February 1, 2002—approximately two months prior to the detention of the CIA's first detainee—a CIA attorney wrote that if CIA detainees were covered by Geneva there would be "few alternatives to simply asking questions." The attorney concluded that, if that were the case, "then the optic becomes how legally defensible is a particular act that probably violates the convention, but ultimately saves lives"(See pages 19-20). In an interview with VICE News posted on June 26, 2015, Morell explained his defense of the CIA's enhanced interrogation techniques, stating: "I don't like calling it torture, alright for one simple reason, because to call it torture, says my guys, were torturers, right, and they were told that they weren't, they were told that what they were doing was legal, and I'm going to defend my guys to my last breath."

	<p>As described, on May 15, 2015, Morell told NBC News reporter Andrea Mitchell that he <u>had not even read the full 500-page publicly released summary of the Senate’s Committee Study of the CIA Detention and Interrogation Program</u> (Morell: “I read the summary conclusions and case studies. That was 300 pages. I skimmed the rest of the report.”)</p> <p>Mr. Morell and the CIA identified one inaccurate bullet point in the initial 6,300-page December 2012 version of the Committee Study. That bullet point involved a reference to an individual with the same name as the person being discussed by the Committee. The bullet point was deleted without any impact to the narrative or the findings and conclusions of the report.</p> <p>The final and full Committee Study (Official Senate Report 113-288) is more than 6,700-pages with nearly 38,000 footnotes. Morrell and the CIA have failed to identify a single factual error in the either the 500-page declassified summary, or the more than 6,700-page classified version.</p>
--	--

See https://news.vice.com/video/vice-news-interviews-the-cias-former-deputy-director-michael-morell?utm_source=vicenewstwitter and <https://www.youtube.com/watch?t=26&v=h28iyKm2vho>
¹⁴⁹ http://www.feinstein.senate.gov/public/index.cfm/files/serve/?File_id=e369f4a2-6993-43d2-aa99-23c15075dd4d

The Craft of Intelligence and the Value of Detainee Interrogation Lessons from the CIA's al Qa'ida Prisoners J. Philip Mudd	
<p>Background on former Deputy Director of CTC Philip Mudd</p>	<p>Philip Mudd served as the Deputy Director of the CIA's Counterterrorist Center from 2002 to 2003. He currently serves on the advisory board for the National Counterterrorism Center and for the Director of National Intelligence.</p> <p>As detailed in the Committee Study, on April 13, 2005, the day before an anticipated Committee vote on a proposed investigation of the CIA program, the chief of ALEC Station and Philip Mudd discussed a press strategy to shape public and congressional views of the program. Mudd wrote:</p> <p style="text-align: center;"><i>"we either get out and sell, or we get hammered, which has implications beyond the media, congress reads it, cuts our authorities, messes up our budget, we need to make sure the impression of what we do is positive."</i></p> <p>Mr. Mudd's essay does not address the CIA's interrogation program, but rather focuses on the importance of detaining terrorists. Nonetheless, there are numerous inaccurate and misleading statements in Mr. Mudd's essay regarding the Committee Study of the CIA's Detention and Interrogation Program.</p>
Quotes/Assertions in Essay from Philip Mudd	Facts As Detailed in CIA and Committee Records
<p>Mudd: <u>"The Senate report's single-minded narrative of how much detainee information led to other al Qa'ida members is far too limited in its definition of how we should assess the value of those detainees, and far too narrow in its understanding of what defines intelligence. Intelligence isn't only secrets that lead to arrests,</u></p>	<p>Mudd's description of the Committee Study is inaccurate.</p> <p>There is no "single-minded narrative of how much detainee information led to other al Qa'ida members" in the Study. The released Executive Summary encompasses three main components: a history of the program (Pages 11-171), CIA representations about the effectiveness of the CIA's enhanced interrogation techniques (Pages 172-400), and a review of CIA representations to the media, Department of Justice, and the Congress (Pages 401-456). There is no focus on "how much detainee information led to other al Qa'ida members" in either the released Executive Summary, or the full 6,700-page Committee Study. As described, the Committee Study does examine in detail CIA representations to policy makers and the Department of Justice on the effectiveness of the CIA's</p>

<p>it's a far broader universe of knowledge that helps bring a shadowy adversary into focus. By that definition, what detainees gave us was invaluable.”</p>	<p>enhanced interrogation techniques. As described in the Study, the CIA obtained policy and legal approval to use the CIA’s enhanced interrogation techniques against a specific category of detainees based on the CIA assertion that the use of the CIA’s enhanced interrogation techniques was “necessary” to obtain “unique” information that was “otherwise unavailable” from other intelligence collection methods (such as foreign liaison reporting, signals intelligence, and human sources), and that this intelligence “enabled the CIA to disrupt plots,” named by the CIA, and “capture” specific terrorists. See pages 172-400 of the Executive Summary.</p>
<p>Mudd: “This basic question of how to understand the detainees' intelligence value leads us back to Abu Zubaydah and the hundred-plus detainees who went through CIA "black sites" in the years after his capture. In my world, in helping to put together the highest-level intelligence the U.S. Government had to offer to the President during those years, the impact of these prisoners on answering such fundamental questions was profound. ...At the CIA after 9/11, our experience face to face with a generation of al Qa'ida leaders reinforced those same lessons for us. Those detainees never told us everything they knew, and have not even to this day. They lied. They obfuscated. They tried to avoid giving us information that might lead to the detention of other terrorists.”</p>	<p>Mudd makes no representations about the use of, or the effectiveness of, the CIA’s enhanced interrogation techniques. The Committee Study does not state that terrorist suspects should not be detained or questioned under appropriate circumstances consistent with U.S. laws and values.</p>
<p>Mudd: “As the Senate report correctly concludes,</p>	<p>This statement by Mudd is inaccurate. The CIA’s standard of success for the CIA’s Detention and Interrogation Program was not</p>

<p>they often succeeded. But that wasn't the <u>sole measure by which we measured the value of these detainees</u>. The measure was much broader, much closer to the heart of the mission of all intelligence services: Did the detainees help us provide decision advantage to the White House and elsewhere? Did those detainees help us understand the adversary, the terror group they had recently helped manage?"</p>	<p>“decision advantage.” There is no reference to this term, or even this idea, within any of the 6.3 million pages of government records on the CIA program.</p> <p>As detailed in the Committee Study, after the attacks of September 11, 2001, President Bush signed a covert action Memorandum of Notification (MON) to authorize the director of central intelligence (DCI) to "undertake operations designed to capture and detain persons who pose a continuing, serious threat of violence or death to U.S. persons and interests or who are planning terrorist activities." The MON made no reference to interrogations or interrogation techniques.</p> <p>The CIA later sought to use “enhanced interrogation techniques” against its detainees. The measure of success for enhanced interrogation techniques, as detailed repeatedly in CIA records, was clear: the production of “unique” and “otherwise unavailable” intelligence that let directly to the thwarting of plots and the capture of specific terrorists. As detailed in the Committee Study, the CIA never met its own standard.</p>
<p>Mudd: “The takedown of 9/11 mastermind Khalid Sheikh Mohammed in 2003 highlights the subtle ways in which these detainees helped us, and it helps explain why the metric of whether detainees led us directly to other al Qa'ida members is too narrow.”</p>	<p>See pages 326-334 of the Executive Summary of the Committee Study: The capture of KSM was attributable to a single CIA source who first came to the CIA's attention in the spring of 2001. KSM was well-known to the CIA well before CIA began detaining and interrogating detainees in March 2002. There are no CIA records to support the suggestion that information obtained during or after the use of the CIA’s enhanced interrogation techniques from detainees played any role in KSM’s capture.</p>
<p>Mudd: “The Feinstein report on the CIA's detention and interrogation program doesn't focus on these questions, and this bedrock concept of <u>decision advantage</u> doesn't come into play in it.”</p>	<p>Again, the CIA’s standard of success for the CIA’s Detention and Interrogation Program was not “decision advantage.” There is no reference to this term, or even this idea, within any of the 6.3 million pages of government records on the CIA program.</p> <p>See pages 172-400 of the Executive Summary of the Committee Study: The CIA obtained policy and legal approval to use the CIA’s enhanced interrogation techniques against a specific category of detainees based on the CIA assertion that the use of the CIA’s enhanced interrogation techniques was “necessary” to obtain “unique” information that was “otherwise unavailable” from other intelligence collection methods (such as foreign liaison reporting, signals intelligence, and human sources), and the CIA represented that this intelligence “enabled the CIA to disrupt plots” and “capture” specific terrorists.</p>

<p>Mudd: “Instead, <u>the report centers on a sliver of the detainee business: whether detainee information resulted in the capture of other al Qa'ida members.</u>”</p>	<p>This statement by Mudd is inaccurate. The Committee report does not “center” on “whether detainee information resulted in the capture of other al Qa’ida members.” Any cursory reading of the Committee Study reveals that the Committee’s Executive Summary encompasses three main components: a history of the program (Pages 11-171), CIA representations about the effectiveness of the CIA’s enhanced interrogation techniques (Pages 172-400), and a review of CIA representations to the media, Department of Justice, and the Congress (Pages 401-456). The Committee Study examines the accuracy of CIA representations to policy makers using the CIA’s own records, it does not focus on any matter that was not first a specific CIA representation to policy makers.</p> <p>See pages 172-400 of the Executive Summary of the Committee Study: The CIA obtained policy and legal approval to use the CIA’s enhanced interrogation techniques against a specific category of detainees based on the CIA assertion that the use of the CIA’s enhanced interrogation techniques was “necessary” to obtain “unique” information that was “otherwise unavailable” from other intelligence collection methods (such as foreign liaison reporting, signals intelligence, and human sources), and the CIA represented that this intelligence “enabled the CIA to disrupt plots” and “capture” specific terrorists.</p>
<p>Mudd: “Whether a detainee has fingered other al-Qaida members is a good litmus test for judging the value of that detainee. <u>But it's not the only litmus test, not by a long shot. Why did the Senate drafters use this narrow metric?</u></p> <p>Why isn't it important that these detainees helped us understand al Qa'ida in other ways? Why, above all, didn't Senate investigators ask those of us who evaluated this intelligence what we thought, and why? <u>The report claims that investigators didn't want to interfere with</u></p>	<p>The purported link between the use of the CIA’s enhanced interrogation techniques and the capture of terrorists as the measure of effectiveness was not a “narrow metric” devised by the Committee. As detailed on pages 217-225 of the Executive Summary, this was the CIA’s own standard, which it used in its representations to the White House, the Department of Justice, the CIA Inspector General and the Congress, and which it relied upon for policy authorization and legal approval.</p> <p>Mudd, whose essay is largely unrelated to the CIA’s Detention and Interrogation Program, fails to articulate any information he would have conveyed to Senate investigators.</p>

<p><u>Department of Justice investigations. That's a red herring—I was never investigated by the Department of Justice, though I was questioned in the department's investigations of others.”</u></p>	
<p>Mudd: <u>“Using the simple metric of whether a detainee has provided such locational information reflects a profound misunderstanding of the business of counterterrorism analysis: it would make the business of intelligence a lot easier if detainees simply offered up information that led directly to al Qa’ida members, but that's closer to a Hollywood spy fantasy than to real life.”</u></p>	<p>As noted above, it was the CIA, not the Committee, that represented that the CIA’s enhanced interrogation techniques provided information that led directly to the captures of suspected terrorists. For example, the CIA made the following inaccurate representations in arguing that the CIA’s enhanced interrogation techniques were effective:</p> <ul style="list-style-type: none"> • “Specifically, as a result of the lawful use of EITs, KSM identified a truck driver who is now serving time in the United States for his support to al-Qa’ida.” • “Together these two terrorists [Abu Zubaydah and Ramzi bin al-Shibh] provided information that helped in the planning and execution of the operation that captured Khalid Sheikh Mohammed.” • “[KSM] provided information that helped lead to the arrests of terrorists including ... Majid Khan, an operative who could enter the United States easily and was tasked to research attacks...”
<p>Mudd: “Detainees, intercepted communications, human sources—they all provide tiny bits and pieces of what an analyst needs to understand the adversary. Those bits and pieces grow over time; the analyst's understanding of the adversary increases at a painstakingly slow pace.”</p>	<p>The Committee Study details how the CIA attributed specific counterterrorism successes to the CIA’s enhanced interrogation techniques to attain or retain policy and legal approvals (<i>see</i> pages 172-400 of the Executive Summary of the Committee Study). These CIA representations were inaccurate.</p> <p>The Committee Study details how, in many cases, specific counterterrorism successes had no connection at all to the CIA’s enhanced interrogation techniques, but rather, as Mr. Mudd states, were attributable to a variety of sources unrelated to detainee information obtained during or after the use of the CIA’s enhanced interrogation techniques.</p>
<p>Mudd: “The standard for measuring detainee information, then, isn’t whether a detainee provided a silver bullet; the standard is, instead, whether the analyst's</p>	<p>Mr. Mudd is either unaware of the standard the CIA used to obtain policy and legal approvals to use the CIA’s enhanced interrogation techniques, or is misleading the reader. As detailed in CIA records and the Committee’s Study, the CIA’s measure of success for enhanced interrogation techniques was clear: the production of “unique” and “otherwise unavailable” intelligence that led directly to the thwarting of plots and the capture of specific terrorists. As</p>

<p>understanding of the enemy grows as a result of what the detainee says.”</p>	<p>detailed in CIA records recounted in the Committee Study, the CIA never met its own standard.</p>
<p>Mudd: “Finally, especially after the Senate report about CIA's interrogation program, many ask a reasonable question: Was it worth it? <u>Did you learn anything?</u> Did those detainees help in the war? ...Later, with Abu Zubaydah's detainee reporting and the mass of additional information other detainees provided, we could draw a picture based on firsthand experience <u>with the al Qa'ida member</u> who had built and run the terror group.</p>	<p>The full 6,700-page Committee Study provides extensive details on the intelligence value of CIA detainees and the impact of the CIA's enhanced interrogation techniques. The CIA has opposed the declassification of the full Committee Study. Nonetheless, the Executive Summary of the Study released in December 2014 provides extensive details on what was obtained—or not obtained—from CIA detainees.</p>
<p>Mudd: “I often ask my former colleagues what surprises them today when they look back at the post-9/11 world we lived in at CIA. For almost all of us, the surprises are few. <u>If you had told us during those years, for example, that later critics would question the appropriateness of the CIA's interrogation techniques, all of us would have agreed. Sure, we'd say. We will be vilified, at some point. That's often part of the cost of the dirty business of intelligence.</u>”</p>	<p>For example, in an interview with the CIA Office of Inspector General, on September 8, 2003, Mr. Tenet stated that “if the general public were to find out about this program, many would believe we are torturers.”¹⁵⁰</p>
<p>Mudd: “But there is one curious debate that none</p>	<p>The U.S. government has lawfully detained individuals throughout its history. However, it is not <u>detention</u> that Hayden, Tenet, and the</p>

¹⁵⁰ See page 123 of the Executive Summary of the Committee Study. See also Feinstein Press Release on Interviews: <http://www.feinstein.senate.gov/public/index.cfm/2014/12/fact-check-interviews-would-have-added-little-to-cia-interrogation-study>

<p>of us—not one of us—would have anticipated when Abu Zubaydah started talking in 2002: <u>the value of detainee information</u>. We all thought then, as we do today, that our understanding of al Qa'ida, limited before we captured detainees, changed <u>dramatically after we talked to them</u>. Consider the alternative: even if you knew a detainee was lying, would you still judge that detainee to be useless? I wouldn't.”</p>	<p>others are defending; rather it is the CIA's enhanced interrogation techniques.</p> <p>The Committee Study describes the value of the information provided by Abu Zubaydah before being subjected to the CIA's enhanced interrogation techniques in August 2002.</p>
<p>Mudd: “The debate over the CIA's detention and interrogation program can only continue if the question about <u>detainee information limits our evaluation to a criterion we never used then</u>, that of whether detainees led us directly to other al Qa'ida members.”</p>	<p>This statement by Mr. Mudd is inaccurate. For example, <i>see</i> CIA representations to the Department of Justice as detailed in Department of Justice legal memoranda. The CIA consistently represented that the use of the CIA's enhanced interrogation techniques was “necessary” to obtain “otherwise unavailable actionable intelligence” to “disrupt terrorist plots” and “<u>capture additional terrorists</u>.”</p>
<p>Mudd: “Read the CIA's response to the Senate report for an understanding of why the Agency differs from the report's drafters on this narrow issue. But as you're reading, and as this debate filters down through the years, never forget that the debate is colored by one of the most fundamental errors that analysts make: <u>not starting with the right question</u>. Because imperfect questions yield imperfect</p>	<p>Again, Mudd states the Committee Study metric is the capture of additional terrorists. This is not the Committee's metric, but one of the CIA's own metrics. The CIA repeatedly stated that information derived from the use of the CIA's enhanced interrogation techniques led to the capture of specific terrorists. As just one example, the CIA repeatedly and inaccurately represented that “during KSM's interrogation [the CIA] acquired information that led to the capture of Hambali.” <i>See</i> pages 301-311 of the Executive Summary of the Committee Study.</p> <p><i>See</i> footnotes of the Committee Study for responses to the CIA's positions.</p>

<p>answers. If your evaluation of detainee reporting centers on how much individual detainees directed us to other al Qa'ida players and plotters, you will get one narrow answer.”</p>	
<p>Mudd: “If the question goes to the heart of the age-old profession of intelligence—<u>Did detainee-derived intelligence give us a decision advantage?</u>—you'll get another answer, and one that explains why those of <u>us who were there then are so surprised by today's debates</u>. And remember one of the lessons of intelligence, where some aspects of the adversary always remain secret: even lies and deceit have value.”</p>	<p>The CIA’s standard of success for the CIA’s Detention and Interrogation Program was not “decision advantage.” There is no reference to this term, or even this idea, within any of the 6.3 million pages of government records on the CIA program.</p> <p><i>See</i> pages 172-400: The CIA obtained policy and legal approval to use the CIA’s enhanced interrogation techniques against a specific category of detainees based on the CIA assertion that the use of the CIA’s enhanced interrogation techniques was “necessary” to obtain “unique” information that was “otherwise unavailable” from other intelligence collection methods (such as foreign liaison reporting, signals intelligence, and human sources), and the CIA represented that this intelligence “enabled the CIA to disrupt plots,” which the CIA identified, and “capture” specific terrorists.</p>

The Legal Case for EITs John Rizzo	
Background on former Acting General Counsel John Rizzo	John Rizzo served as Acting General Counsel or Deputy General Counsel of the CIA from November 2001 through October 2009. Mr. Rizzo authored the book, “Company Man: Thirty Years of Controversy and Crisis in the CIA,” published on January 7, 2014. The book includes significant sections on the CIA’s Detention and Interrogation Program, including Mr. Rizzo’s assertion (supported by internal CIA records) that the CIA did not brief President Bush on the CIA’s enhanced interrogation techniques until well after the CIA began using the techniques against detainees.
Quotes/Assertions in Essay from Former Acting General Counsel John Rizzo	Facts As Detailed in CIA and Committee Records
<p>Rizzo: “As the CIA's chief legal adviser for seven of the first eight years following 9/11, I was indisputably one of the key legal architects of the enhanced interrogation program, which I monitored and oversaw from its beginning to end.”</p>	<p>Rizzo acknowledged to the CIA Inspector General that he knew little about the COBALT detention site, where most of the CIA detainees were held.¹⁵¹ Since the release of the Executive Summary, Rizzo has acknowledged that he was unaware of key aspects of the program. <i>See</i>, for example:</p> <p>http://onpoint.wbur.org/2014/12/15/cia-senate-torture-report-waterboarding</p> <p>Subsequent to the release of the Committee Study, Rizzo has acknowledged that aspects of the program were “torture.” On CNN with Jake Tapper, Rizzo had the following exchange:</p> <p>RIZZO: “Well, again, you're using the word "torture" and I would dispute that the people in the enhanced interrogation program, that was a harsh, brutal tactic.”</p> <p>TAPPER: “<u>But you're not disputing that the force-feeding of people rectally is torture.</u>”</p> <p>RIZZO: “<u>No, absolutely not.</u> Those were abuses. The system was not perfect. There were abuses along the way.”</p> <p>TAPPER: “Worse than not perfect, wasn't it, sir? It was abhorrent</p>

¹⁵¹ Interview of John Rizzo, by [REDACTED], [REDACTED], and [REDACTED], Office of the Inspector General, August 14, 2003.

	<p>in some cases.”</p> <p>RIZZO: “Those tactics were abhorrent, absolutely. I’m not going to contest that.”¹⁵²</p>
<p>Rizzo: “Like every other one of the hundreds of CIA employees who participated in the EIT program during its six-year existence, I was never interviewed by the staff assembled by Senate Intelligence Committee chair Dianne Feinstein, without any Republican staff participation, during the course of its four-year investigation that ultimately culminated in the public release of its 550-page executive summary on December 9, 2014.”</p>	<p>Rizzo’s perspective appears throughout the Executive Summary, including through his interview with the CIA Inspector General and his testimony to the Committee. Rizzo also wrote a book that includes his thoughts on the CIA’s Detention and Interrogation Program, which was published in January 2014.</p> <p>In numerous interviews, articles and this collection of essays, Rizzo has not provided additional information that is not already in the Committee Study. His book confirms information in internal CIA records that the CIA did not brief President Bush on the CIA’s enhanced interrogation techniques</p>
<p>Rizzo: “Yes, I have defended the program—its necessary birth in the immediate aftermath of an unprecedented national catastrophe, the overall care with which it was implemented and calibrated over the years, the resoluteness of CIA career professionals who were convinced of its value and thus steadfastly, stoically carried it on for years in the face of shifting political winds and increasingly toxic</p>	<p>The statement by John Rizzo is inaccurate. The CIA’s Detention and Interrogation Program was not born in the “immediate aftermath” of the September 11, 2001, attacks. The CIA did not take custody of its first detainee until late March 2002, more than six months after the attack. In the intervening period, the CIA determined that detention at a U.S. military base was the “best option,”¹⁵³ but later reversed that decision. The CIA did not use, or have approvals to use, its enhanced interrogation techniques until August 2002, more than 10 months after the attacks. There are no CIA records indicating that, during this period, the CIA conducted any significant research to identify effective interrogation practices, such as conferring with experienced U.S. military or law enforcement interrogators, or with the intelligence, military, or law enforcement services of other countries with experience in counterterrorism and the interrogation of terrorist suspects. As detailed in the Committee Study, prior to September 11, 2001, the CIA had concluded that coercive interrogation techniques were</p>

¹⁵² See <http://www.cnn.com/TRANSCRIPTS/1412/10/cg.01.html>. The CIA’s current position, according to the CIA’s June 2013 Response, is that rectal rehydration is a “well acknowledged medical technique.”

¹⁵³ Memorandum for DCI from J. Cofer Black, Director of Counterterrorism, via Deputy Director of Central Intelligence, General Counsel, Executive Director, Deputy Director for Operations and Associate Director of Central Intelligence/Military Support, entitled, “Approval to Establish a Detention Facility for Terrorists.”

<p>public controversy. But I have also fully acknowledged and detailed publicly that the long-running program was not conducted without flaws, without mistakes, some made by me personally.”</p>	<p>“ineffective,” did “not produce intelligence,” and would “probably result in false answers.”¹⁵⁴</p>
<p>Rizzo: “Nevertheless, I cannot let stand one of the Feinstein summary's central themes—<u>that the CIA made repeated ‘inaccurate claims’ over the years about the EIT program to the White House, the National Security Council, the Department of Justice (DOJ), the Congress, and the public.</u> As the lead CIA interlocutor with Justice during the entire course of the program, I consider that accusation especially unfair and galling.”</p>	<p>The fact that the CIA made repeated inaccurate claims about the program is fully documented in the Committee Study, with extensive citations to the CIA’s own records. This was also the conclusion of the Panetta Review and the former CIA General Counsel. A careful reading of the CIA’s June 2013 Response to the Committee Study also reveals numerous acknowledgments that CIA representations were inaccurate. For example, the CIA’s official June 2013 Response concedes that CIA testimony “<u>contained some inaccuracies,</u>” and blamed these inaccuracies on poor preparation briefings, writing, “the Agency should have done better in preparing the Director.” The CIA Response also admits it should not have used specific examples of plotting in representations to DOJ, which the CIA acknowledged were inaccurate.</p> <p>Former CIA General Counsel Stephen Preston stated in responses to questions for the record that, during the operation of the CIA’s Detention and Interrogation Program, the C.I.A. “fell well short” of current standards for keeping the congressional oversight committees informed, and that CIA “briefings to the Committees [during this period] <u>included inaccurate information</u> related to aspects of the program of express interest to Members.”¹⁵⁵ Preston also wrote that “DOJ did not always have accurate information about the detention and interrogation program in that the actual conduct of that program was not always consistent with the way the program had been described to DOJ.” Preston also wrote that “CIA’s efforts fell well short of our current practices when it comes to providing information relevant to OLC’s legal analysis. If CIA had adhered to what we regard as proper practice today, it would have ensured that its representations to OLC on matters relating to the former program were and remained complete and accurate – updated as necessary on a timely basis – as we do today.”</p> <p>The CIA’s own internal, “Panetta Review,” identifies more than 30 instances of the CIA providing inaccurate representations to “key</p>

¹⁵⁴ See pages 17-18 of the Executive Summary of the Committee Study.

¹⁵⁵ <http://www.newyorker.com/news/news-desk/top-c-i-a-lawyer-sides-with-senate-torture-report>

<p>Rizzo: “Basically, the Feinstein summary seems to label as ‘inaccurate claims’ anything the CIA said over the years about the necessity and demonstrated results of the program, statements that the Feinstein staff, years after the events in question and with the luxury of time and hindsight, summarily dismisses as not aligning with the staff’s preordained conclusion: that the EIT program was totally unnecessary and totally useless. I won’t get into the merits of that conclusion here; for that, read the detailed CIA rebuttal to the Feinstein staff report contained in this volume; it meticulously catalogues the concrete, critical intelligence the program produced over the years.”</p>	<p>“policymakers—including the President and Congress.”</p> <p>The Committee Study, reviewing 6.3 million pages of CIA records, examined whether the standard the CIA used to obtain legal and policy approval for the program – that the CIA’s enhanced interrogation techniques produced “unique,” “otherwise unavailable,” actionable intelligence that directly led to the capture of specific terrorists and the thwarting of specific terrorist plots, resulting in “saved lives” – was consistent with its own records. Internal CIA records demonstrate that these CIA representations were inaccurate.¹⁵⁶</p> <p>CIA records detail how CIA lawyers and managers repeatedly told CIA personnel they needed to provide examples of how the use of “enhanced interrogation techniques” saved lives by thwarting specific plots or capturing specific terrorists. CIA personnel were told the CIA would likely not obtain policy and legal approval without such examples. The examples CIA officers provided were verifiably wrong and CIA personnel internally identified many of the examples provided as inaccurate. The CIA’s own internal Panetta Review also found that the CIA misrepresented the effectiveness of the interrogation program by providing inaccurate examples of effectiveness.</p>
<p>Rizzo: “Also, keep in mind that Leon Panetta, President Obama’s first CIA Director, acknowledged in his 2014 memoir that the EIT program yielded ‘important ... even critical intelligence.’ This from a man who was no cheerleader for the program; like his boss, Panetta was a Democrat long on record as</p>	<p>Director Panetta was provided inaccurate information on the CIA’s enhanced interrogation techniques and the hunt for UBL. As detailed in the Committee Study, this inaccurate information was disseminated internally within the CIA, as well as provided to the Congress.¹⁵⁷</p>

¹⁵⁶ See pages 172-175, and more generally, Section III of the Executive Summary of the Committee Study.

¹⁵⁷ See pages 378-400 of the Executive Summary of the Committee Study.

<p>describing the program as “torture.””</p>	
<p>Rizzo: “The record is clear, even in the Feinstein summary’s skewed narrative, that from the outset, and then as the EIT program proceeded, the Agency again and again proactively sought authoritative written guidance from DOJ’s Office of Legal Counsel (OLC), the ultimate legal authority in the executive branch for the interpretation of U.S. law and treaty obligations. I approached OLC days after being first told by our counterterrorism experts about the <u>unavoidable need to apply unprecedented interrogation measures—the EITs—on the CIA’s first captured significant al Qa’ida figure, Abu Zubaydah.</u></p>	<p>The Committee Study details how the CIA sought approval from the Department of Justice’s Office of Legal Counsel to use the CIA’s enhanced interrogation techniques. The Committee Study also details the inaccurate information the CIA provided to the Department of Justice in seeking approvals.¹⁵⁸</p> <p>The development and use of the CIA’s enhanced interrogation techniques was not “unavoidable.” Besides the legal and moral barriers to the application of coercive interrogation techniques, as detailed in CIA records and recounted in the Committee Report, Abu Zubaydah had demonstrated a willingness to provide information to FBI agents using non-coercive techniques.</p> <p>The Committee Study details the numerous instances in which the CIA sought guidance from the OLC. The Study also documents instances in which the CIA did not “proactively” seek OLC guidance. For example, notwithstanding the fact that the OLC’s August 1, 2002, opinion applied only to Abu Zubaydah, the CIA applied its enhanced interrogation techniques to numerous other detainees before seeking further DOJ guidance almost a year later.¹⁵⁹ It was not until July 2004 that the CIA provided the OLC for the first time a description of long-standing techniques such as dietary manipulation, nudity, water dousing, the abdominal slap, standing sleep deprivation and the use of diapers, all of which the CIA described as a “supplement” to the interrogation techniques outlined in the August 1, 2002, opinion.¹⁶⁰</p>
<p>Rizzo: “Right off the bat, I knew that some of the EITs – like the waterboard – sounded harsh, if not outright brutal. What I didn’t know was whether they crossed the legal line into torture, forbidden under a U.S. law with which I had absolutely no prior experience.... Four months later, the first so-called OLC torture memo</p>	<p>In late 2001 and early 2002, senior attorneys at the CIA Office of General Counsel reviewed whether the CIA’s enhanced interrogation techniques were torture and identified possible defenses to “avoid prosecution of U.S. officials who tortured to obtain information that saved many lives.” This approach was included in the August 1, 2002, OLC memorandum to the White House, which determined that “under the current circumstances, necessity or self-defense may justify interrogation methods that might violate” the criminal prohibition against torture.</p> <p>The CIA did not adhere to the OLC’s restrictions on “how the techniques would be administered.” In May 2004, Assistant Attorney General Jack Goldsmith sent a letter to the CIA General</p>

¹⁵⁸ See the Executive Summary of the Committee Study, pages 409-437.

¹⁵⁹ Letter from Assistant Attorney General Jack L. Goldsmith III to Director Tenet, June 18, 2004.

¹⁶⁰ Letter from [REDACTED] CTC Legal [REDACTED] to Acting Assistant Attorney General Daniel Levin, July 30, 2004.

<p>addressed to me arrived, filled with graphic detail describing how the techniques would be administered and laying out our best analysis about Zubaydah’s place in the al Qa’ida hierarchy and what he might know – and was holding back – about future attacks. We provided OLC with everything we knew at the time, holding nothing back, because that’s what we in the Agency insisted upon ourselves.... Years later, the Feinstein staff has deemed that the information we provided to OLC over all that time was ‘repeatedly... inaccurate.’ Leave aside that over the five years of its existence the staff never once provided me the opportunity to confront and defend myself from this accusation (nor, for that matter, from its one-sentence assertion elsewhere in the summary that in 2007 congressional testimony I ‘provided inaccurate information on the legal reasons for CIA detention overseas.’)”</p>	<p>Counsel stating that the recently released Inspector General Special Review “raises the possibility that, at least in some instances and particularly early in the program, the actual practice may not have been congruent with all of these assumptions and limitations.” In particular, Goldsmith’s letter highlighted the statement in the Special Review that the use of the waterboard in SERE training was “so different from subsequent Agency usage as to make it almost irrelevant.”¹⁶¹</p> <p>Contrary to Rizzo’s assertion, the information provided to the OLC did not include the CIA’s “best analysis about [Abu] Zubaydah’s place in the al Qa’ida hierarchy....” For example, the OLC memorandum repeated the CIA’s representation that Abu Zubaydah was the “third or fourth man” in al-Qa’ida. This CIA assessment was based on single-source reporting that was recanted prior to the August 1, 2002, OLC legal memorandum. This retraction was provided to several senior CIA officers, including CIA attorneys, to whom the information was emailed on July 10, 2002, three weeks prior to the issuance of the memorandum.¹⁶² This inaccurate claim was repeated in subsequent OLC memoranda and never corrected by the CIA. The CIA also informed the OLC that Abu Zubaydah “has been involved in every major terrorist operation carried out by al Qaeda,” and that he “was one of the planners of the September 11 attacks.” CIA records do not support these claims.</p> <p>CIA attorneys also provided inaccurate information to the OLC about what Abu Zubaydah was “holding back.” The CIA informed the OLC that “the interrogation team is certain” Abu Zubaydah was withholding information related to planned attacks against the United States, either within the U.S. homeland or abroad. In fact, the interrogation team wrote to CIA Headquarters that “[o]ur assumption is the objective of this operation [the interrogation of Abu Zubaydah] is to achieve a high degree of confidence that [Abu Zubaydah] is not holding back actionable information concerning threats to the United States beyond that which [Abu Zubaydah] has already provided.”¹⁶³</p> <p>The documentary record demonstrating the extensive inaccurate information provided to the Department of Justice (<i>see</i> pages 408-436) remains undisputed. CIA records also demonstrate the</p>
--	--

¹⁶¹ Letter from Assistant Attorney General Goldsmith to CIA General Counsel Scott Muller, May 27, 2004.

¹⁶² Email from: [REDACTED]; to: [REDACTED] with multiple cc’s; subject: AZ information; date: July 10, 2002, at 1:18:52 PM.

¹⁶³ [REDACTED] 73208 (231043Z JUL 02); email from: [REDACTED]; to: [REDACTED], [REDACTED], [REDACTED]; subject: Addendum from [DETENTION SITE GREEN], [REDACTED] 73208 (231043Z JUL 02); July 23, 2004, at 07:56:49 PM.

	<p>inaccuracy of Rizzo’s 2007 testimony (<i>see</i> pages 498-499). Rizzo has not offered a substantive defense of that testimony.</p>
<p>Rizzo: “With everything that is known now about al-Qa’ida that wasn’t known in those frantic, pressure-filled early post-9/11 years, I am not in a position to guarantee that every statement we ever made to DOJ all that time ago remains empirically unchallengeable today. Very little does in the intelligence world.”</p>	<p>The Committee Study is clear about what information was known <i>at the time</i> to be inaccurate, and what information <i>later</i> turned out to be inaccurate. For example:</p> <p><i>Abu Zubaydah’s Status in Al-Qa’ida:</i> The OLC memorandum repeated the CIA’s representation that Abu Zubaydah was the “third or fourth man” in al-Qa’ida. This CIA assessment was based on single-source reporting that was recanted prior to the August 1, 2002, OLC legal memorandum. This retraction was provided to several senior CIA officers, including [REDACTED] CTC Legal, to whom the information was emailed on July 10, 2002, three weeks prior to the issuance of the August 1, 2002, OLC memorandum. The CIA later concluded that Abu Zubaydah was not a member of al-Qa’ida.¹⁶⁴</p>

¹⁶⁴ See page 410 of the Executive Summary of the Committee Study.

Broken Covenant Jose A. Rodriguez, Jr. ¹⁶⁵	
Background on former Director of CTC Jose Rodriguez	Jose A. Rodriguez, Jr. retired from the CIA in January 2008. He served as the Director of the National Clandestine Service, and from 2002 until late 2004, the Director of the CIA's Counterterrorism Center. In 2005, Rodriguez ordered the destruction of CIA interrogation videotapes. This was done despite orders not to do so from the White House and the Office of Director of National Intelligence. The tapes were never shared with Congress or the 9/11 Commission, which specifically requested access to such tapes. A senior CIA officer wrote in an e-mail that Rodriguez thought “the heat from destroying is nothing compared with what it would be if the tapes ever got into public domain—he said that out of context they would make us look terrible; it would be 'devastating' to us.” ¹⁶⁶ On April 30, 2012, Rodriguez and Bill Harlow, the editor of the essays contained herein, published, “Hard Measures: How Aggressive CIA Actions After 9/11 Saved American Lives.” The book includes substantial amounts of inaccurate information on the CIA’s Detention and Interrogation Program. On April 4, 2014, eight months before the public release of the Committee Study, Mr. Rodriguez published an op-ed in the Washington Post criticizing the Committee Study. Rodriguez wrote: “People might think it is wrong for me to condemn a report I haven’t read. But since the report condemns a program I ran, I think I have justification.” ¹⁶⁷
Quotes/Assertions in Essay from Former CIA Officer Jose Rodriguez	Facts As Detailed in CIA and Committee Records
Rodriguez: “In the summer of 2002, I was the chief of the CIA's Counterterrorism Center.	As detailed in the Executive Summary of the Committee Study, this characterization of the summer of 2002 is incongruent with internal CIA records. See pages 17-49, pages 204-210, and pages 409-411.

¹⁶⁵ See page 43 of the Committee Study and the email from Jose Rodriguez to CIA detention site personnel on August 12, 2002, which stated: “Strongly urge that any speculative language as to the legality of given activities or, more precisely, judgment calls as to their legality... be refrained from in written traffic (email or cable traffic). Such language is not helpful.” In December 2014, through a spokesman, Rodriguez informed The Washington Post that he never instructed employees not to send cables about the legality of interrogations. See https://www.washingtonpost.com/world/national-security/senate-report-on-cia-program-details-brutality-dishonesty/2014/12/09/1075c726-7f0e-11e4-9f38-95a187e4c1f7_story.html.

¹⁶⁶ https://www.aclu.org/files/assets/cia_release20100415_p19-27.pdf

¹⁶⁷ https://www.washingtonpost.com/opinions/i-ran-the-cia-interrogation-program-no-matter-what-the-senate-report-says-i-know-it-worked/2014/04/04/69dd4fae-bc23-11e3-96ae-f2c36d2b1245_story.html

<p><u>A small group of our targeting analysts came to my office to urge me to restart the interrogation of Abu Zubaydah</u>, a key al Qa'ida operative we had captured a few months before. Abu Zubaydah, whom we referred to as 'AZ,' <u>had been put in isolation at the black site where he was being held since he had stopped talking</u>. The CIA leadership had decided we were dead in the water and needed to do something different to get him to cooperate.”</p>	<p>CIA records detail how the CIA representation that Abu Zubaydah stopped cooperating with debriefers using traditional interrogation techniques is not accurate. In early June 2002, Abu Zubaydah's interrogators recommended that Abu Zubaydah spend several weeks in isolation while the interrogation team members traveled “as a means of keeping [Abu Zubaydah] off-balance and to allow the team needed time off for a break” and to discuss “the endgame” for Abu Zubaydah with officers from CIA Headquarters.</p> <p>As a result, Abu Zubaydah spent much of June 2002, and all of July 2002, 47 days in total, in isolation without being questioned. When CIA officers next interrogated Abu Zubaydah, they immediately used the CIA's enhanced interrogation techniques, including the waterboard. Prior to this isolation period, Abu Zubaydah provided information on al-Qa'ida activities, plans, capabilities, and relationships, in addition to information on its leadership structure, including personalities, decision-making processes, training, and tactics. Abu Zubaydah provided the same type of information prior to, during, and after the use of the CIA's enhanced interrogation techniques.</p> <p>Abu Zubaydah's inability to provide information on the next attack in the United States—and operatives in the United States—provided the basis for CIA representations that Abu Zubaydah was "uncooperative," as well as for the CIA's determination that Abu Zubaydah required the use of the CIA's enhanced interrogation techniques to become "compliant" and reveal the information that CIA Headquarters believed he was withholding. At no point during or after the use of the CIA's enhanced interrogation techniques did Abu Zubaydah provide this type of information.</p>
<p>Rodriguez: “The targeting analysts were concerned that the threat level of a second wave of attacks was at an all-time high and that we risked another catastrophic and devastating attack against the homeland. Intelligence reporting pointed <u>to al Qa'ida's having developed anthrax at its lab near Kandahar, Afghanistan</u>. We had also recently learned of discussions Bin Ladin had held with</p>	<p>The Committee Study details the threat reporting during the CIA program and beginning in the summer of 2001.</p> <p>Assessments that al-Qa'ida had an anthrax program were inaccurate and led the CIA to use its enhanced interrogation techniques in a manner that resulted in the acquisition of inaccurate and fabricated reporting. For example, on August 1, 2003, Samr al-Barq told CIA interrogators that “we never made anthrax.” At the time, he was being subjected to the CIA's enhanced interrogation techniques and was told that the techniques would not stop until he “told the truth.” According to CIA cables, crying, al-Barq then said “I made the anthrax.” Asked if he was lying, al-Barq said that he was. After CIA interrogators “demonstrated the penalty for lying,” al-Barq again stated that “I made the anthrax” and then immediately recanted, and then again stated that he made anthrax. Two days later, al-Barq stated that he had lied about the anthrax production</p>

<p>Pakistani scientists about developing a nuclear or radiological bomb to use against us.”</p>	<p>“only because he thought that was what interrogators wanted.”¹⁶⁸</p>
<p>Rodriguez: ““The United States is in grave danger and AZ is the key to helping us disrupt the plots we are facing,’ the analysts said to me.”</p>	<p>As detailed in the Committee Study, CIA analysts misjudged Abu Zubaydah’s position in al-Qa’ida and later concluded he did not have access to the threat information the CIA was seeking. <i>See</i> pages 17-49, pages 204-210, and pages 409-411, of the declassified Executive Summary.</p>
<p>Rodriguez: “AZ was a senior planner and logistician, up to that point <u>the highest-level al Qa’ida (AQ) terrorist ever in our custody.</u>”</p>	<p>This statement by Rodriguez is inaccurate. While the statement reflects information provided to Rodriguez, policymakers, and the Department of Justice, internal CIA records do not support this assessment (<i>see</i> pages 17-49, pages 204-210, and pages 409-411, of the declassified Executive Summary). As detailed in the Committee Study, in August 2006 the CIA published an intelligence assessment stating that Abu Zubaydah had been rejected by al-Qa’ida and describing how the CIA had come to "miscast Abu Zubaydah as a ‘senior al-Qa’ida lieutenant.’” As further detailed in the Committee Study, prior to his capture, the CIA had single-source reporting that Abu Zubaydah was the "third or fourth man" in al-Qa’ida; however, this reporting was recanted prior to August 1, 2002. Notwithstanding the above, the Committee Report details Abu Zubaydah’s engagement with al-Qa’ida and support of terrorist activities.</p>
<p>Rodriguez: “Clearly, AZ expected new devastating attacks, and we believed he held the keys to stopping them. We felt we were in a ticking-time-bomb situation; we could not see the bomb, but we could hear it ticking.”</p>	<p>There are no CIA records that indicate Abu Zubaydah “expected new devastating attacks.” Rather, the interrogation team believed the objective of the coercive interrogation techniques was to confirm Abu Zubaydah did <u>not</u> have additional information on threats to the United States, writing “Our assumption is the objective of this operation is to achieve a high degree of confidence that [Abu Zubaydah] is not holding back actionable information concerning threats to the United States beyond that which [Abu Zubaydah] has already provided.”¹⁶⁹ Within a week of initiating the use of the CIA’s enhanced interrogation techniques, the interrogation team stated that it was “highly unlikely” that Abu Zubaydah possessed the additional threat reporting they were seeking.¹⁷⁰</p> <p>Neither Rodriguez nor other defenders of the use of the CIA’s</p>

¹⁶⁸ *See* [REDACTED] 1015 (012057Z AUG 03); [REDACTED] 1017 (030812Z AUG 03). *See* pages 82-83 of the Executive Summary of the Committee Study.

¹⁶⁹ *See* ([REDACTED] 73208 (231043Z JUL 02) and email from: [REDACTED]; to: [REDACTED], [REDACTED], [REDACTED]; subject: Addendum from [DETENTION SITE GREEN], [REDACTED] 73208 (231043Z JUL 02); date: July 23, 2002, at 07:56:49 PM.)

¹⁷⁰ *See* ([REDACTED] 10607 (100335Z AUG 02)).

	<p>enhanced interrogation techniques against Abu Zubaydah have reconciled the alleged “ticking time bomb” situation with the decision to leave Abu Zubaydah in isolation for 47 days without questioning him.</p>
<p>Rodriguez: “In the past we had transferred terrorists like AZ to friendly countries to hold and interrogate for us. But I had become convinced that we could not rely on others to interrogate high-value detainees for us effectively. There was simply too much at stake for us to contract out to foreign countries the interrogation of high-level AQ operatives. We knew nobody was going to look after our national security as we would ourselves. Also, frankly, no foreign government, no matter how friendly, was going to care about protecting our homeland and safeguarding American lives as we would. We knew CIA had to get back into the interrogation business.”</p>	<p>The decision to render Abu Zubaydah to a covert CIA detention facility rather than to a foreign country was, as ALEC Station wrote, “[n]ot because we believe necessarily we can improve on [Country [REDACTED]] performance, but because the reasons for the lack of progress will be transparent and reportable up the line.”¹⁷¹</p>
<p>Rodriguez: “AZ had been badly wounded during his capture, and at first he had provided some useful information to a joint CIA/FBI team questioning him.”</p>	<p>The information Abu Zubaydah provided, and which was attributed by the CIA to the CIA’s enhanced interrogation techniques, came prior to the use of the techniques. This included the identification of KSM as “Mukhtar” and the mastermind of the September 11, 2001, attacks, and the description (but not the names) of Jose Padilla and his associate. CIA records demonstrate that, prior to being subjected to the techniques, Abu Zubaydah provided information on al-Qa’ida activities, plans, capabilities, and relationships, in addition to information on “its leadership structure, including personalities, decision-making processes, training, and tactics.” <i>See</i>, among other pages in the Executive Summary of the Committee Study, pages 17-49 and pages 204-210.</p>

¹⁷¹ *See* (ALEC [REDACTED] (282105Z MAR 02)).

<p>Rodriguez: “But as he regained his strength he also gained resolve to provide no further information of value. We were getting nowhere, we needed a new approach. We had in our custody an AQ detainee who could have information about the next wave of attacks.”</p>	<p>Rodriguez’s statement is inaccurate. In May 2002, the CIA disseminated 56 intelligence reports based on the interrogations of Abu Zubaydah. In June 2002, Abu Zubaydah’s reporting had already contributed to 37 disseminated intelligence reports when the CIA decided to place Abu Zubaydah in isolation. According to CIA records, the isolation, which would last for 47 days, was intended “as a means of keeping [Abu Zubaydah] off-balance and to allow the [interrogation] team needed time off for a break and to attend to personal matters...,” as well as to discuss “the endgame” of Abu Zubaydah with officers from CIA Headquarters.”¹⁷²</p>
<p>Rodriguez: “Over the years tens of thousands of U.S. Army, Navy, and Air Force personnel have endured the enhanced interrogation techniques of SERE, which include waterboarding. I am convinced that when years later President Obama and his Attorney General said that waterboarding is torture they were referring to the waterboarding method used by the Spanish Inquisition, or by the Japanese during World War II, or the Khmer Rouge in Cambodia—not the waterboarding technique used in SERE. Otherwise hundreds, if not thousands, of U.S. military trainers would be guilty of torture.”</p>	<p>There was little relationship between the waterboard as administered at the SERE school and as applied to CIA detainees. In May 2004, Assistant Attorney General Jack Goldsmith sent a letter to the CIA General Counsel stating that the recently released Inspector General Special Review “raises the possibility that, at least in some instances and particularly early in the program, the actual practice may not have been congruent with all of these assumptions and limitations.” In particular, Goldsmith’s letter highlighted the statement in the Special Review that the use of the waterboard in SERE training was “so different from subsequent Agency usage as to make it almost irrelevant.”¹⁷³</p> <p>As applied to CIA detainees, waterboarding induced convulsions and vomiting. Abu Zubaydah became “completely unresponsive, with bubbles rising through his open, full mouth.”¹⁷⁴ CIA records describe the waterboarding of Khalid Shaykh Mohammad as evolving into a “series of near drownings.”¹⁷⁵</p> <p>In contrast to the single exposures experienced by SERE trainees, Abu Zubaydah was subjected to 83 waterboard applications, while KSM was subjected to 183 applications.</p>
<p>Rodriguez: “Even though our program was based on a U.S. military training program, we were</p>	<p>No member of Congress was informed about the program prior to its initiation. In April 2002, the CIA inaccurately represented to Congress that it “has no current plans to develop a detention facility.”¹⁷⁶ Briefings to the Committee in the spring of 2002</p>

¹⁷² [REDACTED] 10424 (070814Z JUN 02). See pages 30-31, 40-41 of the Executive Summary of the Committee Study.

¹⁷³ Letter from Assistant Attorney General Goldsmith to CIA General Counsel Scott Muller, May 27, 2004.

¹⁷⁴ Email from: [REDACTED]; to: [DETENTION SITE BLUE] and [REDACTED]; subject: Re: Departure; date: March 6, 2003, at 7:11:59 PM.

¹⁷⁵ April 10, 2003, email from [REDACTED]; to [REDACTED], cc: [REDACTED]; re More.

¹⁷⁶ CIA responses to Questions for the Record (hearing, March 6, 2002), April 18, 2002.

<p>well aware of the legal risks involved for CIA personnel using techniques that went beyond traditional interrogation techniques. Over the summer months of 2002 our lawyers coordinated with the White House and the Office of Legal Counsel twelve interrogation techniques (later trimmed down to ten). We wanted to be sure that we were on firm legal ground and that the CIA personnel involved in the interrogation program were protected. We wanted to make sure that the President and his national security team, the Attorney General and his Office of Legal Counsel, and the leadership of both houses of Congress were on board.”</p>	<p>emphasized the expertise of FBI and CIA interrogators engaged in the Abu Zubaydah interrogations and provided no indication that coercive techniques were being used or considered, or that there was significant disagreement between the CIA and the FBI on proposed interrogation approaches.¹⁷⁷</p> <p>CIA records consistently and repeatedly indicate that the CIA did not brief the President on the techniques until April 2006.</p>
<p>Rodriguez: “When the targeting analysts came to my office in the summer of 2002 to urge me to restart the interrogation of AZ, we had not yet completed the coordination of the enhanced interrogation techniques with the White House, the Justice Department, and the Congress. The CIA had been left to hold the bag many times in the past when it had been directed to undertake covert action</p>	<p>As noted above, no member of Congress was consulted prior to the initiation of the use of the CIA’s enhanced interrogation techniques. There was thus no “coordination of the enhanced interrogation techniques with... the Congress.”</p>

¹⁷⁷ Transcript of “Update on War on Terrorism,” April 24, 2002.

<p>that was later questioned and second-guessed. I was determined not to let that happen again. As I said in a <i>60 Minutes</i> interview in 2012, I wanted the senior leadership of our government in the executive and legislative branches to "put their big-boy pants on" and give us the authorities and the protections we needed to use enhanced interrogation techniques on AQ terrorists."</p>	
<p>Rodriguez: "On August 1, 2002, the Office of Legal Counsel at the Justice Department gave us in writing a binding opinion that waterboarding and other techniques were legal."</p>	<p>The August 1, 2002, OLC memorandum stated the following: "Our advice is based upon the following facts, which [CIA] have provided to us. We also understand that [the CIA does] not have any facts in your possession contrary to the facts outlined here, and this opinion is limited to these facts. If these facts were to change, this advice would not necessarily apply."</p> <p>As the Committee Study details, and as CIA records demonstrate, the CIA provided the OLC with inaccurate information about Abu Zubaydah's status in al-Qa'ida, Abu Zubaydah's role in al-Qa'ida plots, Abu Zubaydah's expertise in interrogation resistance training, and Abu Zubaydah's withholding of information on pending terrorist attacks. The CIA also applied the techniques to other detainees, notwithstanding the fact that the OLC memorandum applied only to Abu Zubaydah, and applied the techniques in a manner that was inconsistent with how they had been described to the OLC.¹⁷⁸</p>
<p>Rodriguez: "We then went to the White House and got final policy approval from the President and his national security team to proceed with the implementation of the interrogation</p>	<p>CIA records clearly indicate that the CIA never briefed the President on the interrogation techniques before April 2006.¹⁷⁹ John Rizzo has also written that the President was not briefed and that Tenet informed Rizzo that Tenet had never briefed the President.¹⁸⁰</p>

¹⁷⁸ See pages 409-413 of the Executive Summary of the Committee Study.

¹⁷⁹ See pages 38-40 of the Executive Summary of the Committee Study.

¹⁸⁰ <http://www.newyorker.com/news/daily-comment/the-c-i-a-s-lawyer-waterboarding-and-memory> ;and http://www.politico.com/magazine/story/2014/01/waterboarding-cia-lawyer-john-rizzo-torture-101758_Page4.html#.VfGiWBF4paQ

<p>program.”</p>	
<p>Rodriguez: “When the Congress got back from recess in September we briefed the leadership of the House and the Senate; they had no objection.”</p>	<p>When HPSCI leadership was first briefed by the CIA, they questioned the legality of the CIA program. According to the original CIA memo on the briefing, “HPSCI attendees also questioned the legality of these techniques if other countries would use them.” This phrase was removed from the CIA memo by a CIA lawyer, after which Jose Rodriguez responded to the edit in an email stating, “short and sweet.”¹⁸¹ When SSCI Chairman Graham was briefed in late September 2002, he sought to expand the Committee’s oversight, including by having Committee staff visit CIA interrogation sites and interview CIA interrogators. The CIA rejected this request from the Chairman.¹⁸²</p>
<p>Rodriguez: “Notwithstanding our successes in the war on terror against AQ in faraway lands, however, at home in the months and weeks before the 2004 national elections we felt a gradual shift in the strong political support we had received from our elected representatives.”</p>	<p>In May 2004, the OLC informed the CIA’s Office of General Counsel that it had never formally opined on whether the use of the CIA’s enhanced interrogation techniques was consistent with U.S. constitutional standards. Assistant Attorney General Jack Goldsmith also raised concerns about divergences between the CIA’s proposed enhanced interrogation techniques, as described in the August 1, 2002, memorandum, and their actual application, as described in the CIA Inspector General’s May 2004 Special Review. In late May 2004, DCI Tenet suspended the use of the CIA’s “enhanced” and “standard” interrogation techniques, pending updated approvals from the OLC. The use of the techniques later that year was based on a case-by-case review of individual detainees, pending broader OLC approval.¹⁸³</p> <p>Meanwhile, the CIA was seeking an “endgame” for its detainees. A draft CIA presentation for National Security Council principals dated August 19, 2004, identified the drawbacks of ongoing indefinite detention by the CIA, including” the need for regular relocation of detainees; the “tiny pool of potential host countries” available “due to high risks;” the fact that “prolonged detention without legal process increases likelihood of HVD health, psychological problems [and] curtails intel flow;” criticism of the U.S. government if legal process were delayed or denied; and the likelihood that the delay would “complicate, and possibly reduce the prospects of successful prosecution of these detainees.”¹⁸⁴</p>

¹⁸¹ See CIA Email from: [REDACTED]; to: [REDACTED]; bcc: Jose Rodriguez; subject: Re: immediate coord; date: September 6, 2002, and CIA email from: Jose Rodriguez; to: [REDACTED]; subject: Re: immediate coord; date: September 6, 2002, at 2:52 PM, as well as page 438 of the Executive Summary of the Committee Study.

¹⁸² See CIA Email from: Stanley Moskowitz; to: John Moseman, Scott Muller, James Pavitt; subject: Graham request for oversight into interrogation; date: December 4, 2002, at 05:58:06 PM; Stanley Moskowitz, Memorandum for the Record, February 4, 2003, “Subject: Sensitive Notification”; page 438 of the Executive Summary of the Committee Study.

¹⁸³ See pages 134-135 of the Executive Summary of the Committee Study.

¹⁸⁴ CIA PowerPoint Presentation, CIA Detainees: Endgame Options and Plans, dated August 19, 2004.

	<p>With regard to Congress, the full congressional Intelligence Committees had not been briefed on the program in 2004 and thus had not provided “strong political support.” A request from the SSCI minority staff director in July 2004 for full Committee briefings and expanded Committee oversight was denied.¹⁸⁵</p>
<p>Rodriguez: “Unable to defend ourselves publicly because of a traditional and long-standing code of silence that CIA practices, as well as the attitude of not talking back, we allowed politicians, the media, human rights organizations, and some in academia to define our narrative.”</p>	<p>The Committee Study details how CIA leadership and CIA’s Office of Public Affairs provided classified information to the press in order to promote the program. As Deputy CTC Director Philip Mudd wrote in April 2005: “we either get out and sell, or we get hammered, which has implications beyond the media. congress reads it, cuts our authorities, messes up our budget. we need to make sure the impression of what we do is positive... we must be more aggressive out there. we either put out our story or we get eaten. there is no middle ground.”¹⁸⁶ As CIA records demonstrate, much of what the CIA provided to the press was inaccurate.</p>
<p>Rodriguez: “In any human endeavor that involves hundreds of people and a lot of moving parts, you are always going to find people who break the rules and do stupid things.”</p>	<p>In addition to wrongdoing, the CIA’s Detention and Interrogation Program was marked by a lack of accountability, for both officers involved in the program and CIA leadership. As the CIA itself notes in its June 2013 Response to the Committee Study:</p> <p><i>“The first argument is that in some important cases involving clearly evident misconduct, CIA did not in the end sufficiently hold officers accountable even after full investigation and adjudication. We largely concur, although we would take the Study’s argument one step further. The Study focuses on the inadequate consequences meted out for line officers who acted improperly when conducting interrogations in the field or by providing insufficient rationales necessary to justify detentions. <u>To us, an even more compelling concern is that the Agency did not sufficiently broaden and elevate the focus of its accountability efforts to include more senior officers who were responsible for organizing, guiding, staffing, and supervising RDI activities, especially in the beginning.</u>”¹⁸⁷</i></p> <p>Rodriguez himself was responsible for the destruction of CIA videotapes of interrogations and was a senior CIA CTC supervisor at the time when many abuses of CIA detainees took place.</p>
<p>Rodriguez: “As we have acknowledged publicly, some CIA officers did not follow the rules, and a few</p>	<ul style="list-style-type: none"> • This statement is inaccurate. The Committee Study documents extensive mistreatment that was never reported to the CIA Inspector General, to the Department of Justice, or to Congress.

¹⁸⁵ See page 441 of the Executive Summary of the Committee Study.

¹⁸⁶ Sametime communication, between John P. Mudd and [REDACTED], April 13, 2005, from 19:23:50 to 19:56:05. See pages 401-408 of the Executive Summary of the Committee Study.

¹⁸⁷ See page 14 of the CIA Response.

<p>abuses were committed. <u>Upon learning of alleged abuses and other problems, however we immediately self-reported to the CIA's statutory inspector general and the Department of Justice.</u> About twenty cases of alleged abuses were forwarded to the Department of Justice; career prosecutors decided that only one of these cases, unrelated to the formal interrogation program, merited prosecution. Some officers received administrative sanctions, while others were cleared of any wrongdoing.”</p>	<ul style="list-style-type: none">• CIA records reveal that at least 17 CIA detainees were subjected to one or more of the CIA’s enhanced interrogation techniques without proper approvals. In all but one of these cases, CIA Headquarters took no remedial action and did not report the unauthorized use of the techniques. This list of 17 does <u>not</u> include examples in which approved techniques were implemented in the field in a manner that diverged from authorizations.¹⁸⁸ In some of those cases, such as the frequency with which the CIA used the waterboard, there was no “report” to the Inspector General; the Inspector General investigated it himself.¹⁸⁹ To the extent the Department of Justice learned about the frequency of the waterboarding, it was from the Inspector General’s Special Review. In other cases, such as the incident in which Abu Zubaydah became unconscious during the waterboarding session described above, neither the Inspector General nor the Department of Justice was ever made aware. <p>In addition to these cases, the CIA subjected multiple detainees to “rectal rehydration” and “rectal feeding,” which were never classified as “enhanced interrogation techniques” by the CIA and never reported to the Inspector General or the Department of Justice.¹⁹⁰ After the rectal rehydration of KSM, the chief of interrogations characterized it as illustrative of the interrogator’s “total control over the detainee,” while a CIA officer with the CIA’s Office of Medical Services described it as helping to “clear a person’s head” and effective in getting KSM to talk.¹⁹¹ The CIA continues to insist that “rectal rehydration is a “well acknowledged medical technique.”¹⁹² The CIA has never commented on “rectal feeding.” “Rectal rehydration,” “rectal feeding,” and allegations that two detainees were subjected to rectal exams with “excessive force” were not reported to the Department of Justice or the CIA Inspector General.¹⁹³</p>
---	--

¹⁸⁸ See pages 101-104 of the Executive Summary of the Committee Study.

¹⁸⁹ Interview of Scott Muller, by [REDACTED], [REDACTED], [REDACTED] and [REDACTED], Office of the Inspector General, August 20, 2004; and email from: Scott Muller; to: John Rizzo; cc: [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED]; subject: “Report from Gitmo trip (Not proofread, as usual)”; date: June [REDACTED], 2003, 05:47 PM; page 118 of the Executive Summary Committee Study.

¹⁹⁰ See page 100 of the Executive Summary of the Committee Study.

¹⁹¹ [REDACTED] 34491 (051400Z MAR 03); Email from: [REDACTED]; to: [REDACTED]; cc: [REDACTED], [REDACTED]; subject: Re: Departure; date: March 6, 2003, at 7:11:59 PM; email from: [REDACTED]; to: [REDACTED]; cc: [REDACTED]; subject: Re: Update; date: March 6, 2003, at 4:51:32 PM; pages 82-83 of the Executive Summary of the Committee Study.

¹⁹² See page 115, footnote 115 of the Executive Summary of the Committee Study; page 55 of the CIA’s June 2013 Response.

¹⁹³ See page 100 of the Executive Summary of the Committee Study.

<p>Rodriguez: “Later, as President, he repeated his charge that ‘we tortured some folks,’ most recently after the SSCI report was released in December 2014.”</p>	<p>The President made this comment on August 1, 2014, prior to the public release of the report.¹⁹⁴</p>
<p>Rodriguez: “Following the 9/11 attacks the CIA was the only entity in government ready to respond to the crisis.”</p>	<p>Rodriguez’s statement is inaccurate. The U.S. military, the FBI and other elements of the Intelligence Community all responded to the attacks of September 11, 2001.</p>
<p>Rodriguez: “The President directed the Agency to take the lead, and hundreds of CIA officers responded to the call of duty. We all felt honored and fortunate to be part of the team delivering the American response to the attacks. We succeeded in avenging the death of three thousand innocents and delivering a knockout blow to AQ. We protected the homeland, we saved American lives.”</p>	<p>The CIA was not tasked with “avenging” the attacks of September 11, 2001. The covert action Memorandum of Notification (MON) signed by the President on September 17, 2001, authorized the CIA to detain suspected terrorists. It made no mention of interrogation or coercive interrogation techniques. CIA records indicate that the CIA did not inform the President about the CIA’s enhanced interrogation techniques until April 2006.¹⁹⁵</p>

¹⁹⁴ See <https://www.youtube.com/watch?v=QBLNohqquRk>

¹⁹⁵ See pages 38-40 of the Executive Summary of the Committee Study.