

**Fact Check: Inaccurate and Misleading Assertions Related to the CIA Detention and Interrogation Program in “*The Great War of Our Time: The CIA’s Fight Against Terrorism--From al Qa’ida to ISIS*” by Michael Morell and William Harlow<sup>1</sup>**

*Book Release Date: May 12, 2015*

Quotes/Assertions from Morell/Harlow Book	Facts As Detailed in CIA Records
<p><b>Page 111:</b></p> <p>KSM was also planning to... send a team of Pakistanis to smuggle explosives into New York to target gas stations, railroad tracks, and bridges.</p>	<ul style="list-style-type: none"> <li>• CIA records do not indicate plans to “send a team of Pakistanis to smuggle explosives into New York to target gas stations, railroad tracks, and bridges.” Morell appears to be conflating several separate accounts.               <ul style="list-style-type: none"> <li>○ First, Ammar al-Baluchi and Saifullah Paracha were reported to have plotted to smuggle explosives into the United States, although both denied that any agreement was reached to move forward.<sup>2</sup> Regarding this plotting, one senior CIA counterterrorism official commented “again, another ksm op worthy of the lamentable knuckleheads... why ‘smuggle’ in explosives when you can get them here?” Additional information on this matter is included in the Committee Study.</li> <li>○ Second, the “gas station” plotting was associated with another individual, Majid Khan. CIA records do not indicate any plans to smuggle explosives into the United States in connection with this matter.<sup>3</sup> Additional</li> </ul> </li> </ul>

<sup>1</sup> Harlow contributed to other books that contained inaccurate information on CIA interrogation practices while serving in the CIA’s Office of Public Affairs (OPA). For example, 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*, p. 332). As detailed in CIA records, 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 Morell and Harlow’s book (e.g. Morell and Harlow insinuate that Iyman Faris was arrested based on information obtained from the interrogation of KSM). (See Committee Study, pp. 401-402.) Notably, 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 *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 told Senator Feinstein he had not read the full, classified version of the Committee Study.).

<sup>2</sup> DIRECTOR [REDACTED] (181929Z JUNE 03); [REDACTED] 13588 (171505Z JUL 03); page 357 of the Committee Study.

<sup>3</sup> Majid Khan discussed Saifullah Paracha and his son, Uzhair Paracha, in the context of Uzhair’s assistance to Majid Khan in resettling Khan in the United States for terrorism-related purposes. Majid Khan provided this information

	<p>information on this matter is included in the Committee Study.</p> <ul style="list-style-type: none"> <li>○ Third, reporting on discussions related to attacks on railroad tracks and bridges was associated with another individual, Iyman Faris, and was unrelated to any purported plotting to smuggle explosives into the United States. Faris was arrested in the United States, having taken no action in furtherance of discussions he was reported to have had with KSM about trains and bridges. Faris abandoned as impossible plans to attack the Brooklyn Bridge by loosening its bolts.<sup>4</sup> The Interagency Intelligence Committee on Terrorism assessed that the purported plan involved “methods that appear to be unrealistic.”<sup>5</sup> A senior CIA counterterrorism official, who had previously served as chief of the Bin Ladin Unit, commented that “if these are the types of attacks ksm is planning, [KSM] was more of a nuisance [sic] than a threat,” asking in a separate email “did [KSM] think no one would see or hear these yahoos trying to unscrew the bridge?”<sup>6</sup> Additional information on this matter is included in the Committee Study.</li> </ul>
<p><b>Pages 246-247:</b></p> <p>The lawyer also explained that <u>only about a hundred people had ever been detained by CIA</u> and that of those, <u>fewer than a third had been subjected to enhanced techniques</u>. He noted <u>only three had been waterboarded</u> – the last</p>	<ul style="list-style-type: none"> <li>• Morell’s and Harlow’s description of “about a hundred” CIA detainees perpetuates the CIA’s efforts to minimize the difference between external CIA representations and internal CIA records. CIA records indicate that there were at least 119 CIA detainees. In late 2008, the CIA attempted to determine the number of detainees held by the CIA and concluded that there had been at least 112.<sup>7</sup> Then-Director Hayden nonetheless instructed a CIA officer to devise a way to keep the number of CIA detainees at 98, the same number the CIA had previously briefed to Congress.<sup>8</sup> In its June 2013 Response, led by Morell,</li> </ul>

while in foreign government custody. CIA Record: [REDACTED] 13890 [REDACTED]; page 355 of the Committee Study.

<sup>4</sup> ALEC [REDACTED] (261745Z MAR 03)

<sup>5</sup> “Khalid Shaykh Muhammad’s Threat Reporting – Precious Truths, Surrounded by a Bodyguard of Lies,” IICT, April 3, 2003; page 284 of the Committee Study.

<sup>6</sup> Email from: [REDACTED]; to: [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED]; subject: attacks in conus; date: March 25, 2003, at 6:19:18 AM; email from: [REDACTED]; to: [REDACTED], [REDACTED], [REDACTED], [REDACTED]; date: March 25, 2003, at 6:35:18 AM.

<sup>7</sup> CIA-produced PowerPoint Slide, RDG Numbers, dated December 23, 2008.

<sup>8</sup> Email from: [REDACTED]; to: [REDACTED] [himself]; subject; Meeting with DCIA; date: January 5, 2009. See page 15 of the Committee Study.

<p>session having taken place in 2003. He also told me that <u>the techniques were used for only a short time on any detainee (a few days to a few weeks early in their multi-year-long detentions.)</u> And he noted that by the time I was being briefed, with hardly any new senior terrorist operatives being caught, <u>the remaining EITS were barely in use at all. But they could still be used if we caught some senior al Qa'ida associate with knowledge of impending attacks or Bin Ladin's current location.</u></p>	<p>the CIA described the difference between 98 and 119 detainees as not “substantively meaningful.”<sup>9</sup></p> <ul style="list-style-type: none"> <li>• <u>At least 39</u> CIA detainees were subjected to the CIA’s enhanced interrogation techniques, more than the “fewer than a third” of “about a hundred” claimed by Morell and Harlow.<sup>10</sup></li> <li>• Morell and Harlow assert that “only three [CIA detainees] had been waterboarded. In addition to the three CIA detainees whose waterboarding has been acknowledged, however, a CIA photograph shows a waterboard at detention site COBALT, where no documented waterboarding took place. The photograph shows the waterboard surrounded by buckets, with a bottle of unknown pink solution (filled two thirds of the way to the top) and a watering can resting on the wooden beams of the waterboard. In meetings between Committee Staff and the CIA in the summer of 2013, the CIA was unable to explain the details of the photograph, to include the buckets, solution, and watering can, as well as the waterboard’s presence at COBALT.<sup>11</sup> CIA records also indicate that some CIA personnel described the water dousing of at least one detainee as “indistinguishable from the waterboard.”<sup>12</sup></li> <li>• The Morell/Harlow claim that “the techniques were used for only a short time on any detainee (a few days to a few weeks early in their multi-year-long detentions)” is inaccurate with regard to multiple CIA detainees. The CIA frequently used, or suspended and then resumed, the CIA’s enhanced interrogation techniques over a period of more than “a few weeks.” For example, the last CIA detainee, Muhammad Rahim, was subjected to eight separate sleep deprivation periods between July 21, 2007, and November 8, 2007. During this period, he was also subjected to attention grasps, facial holds, abdominal slaps, and the facial slap.<sup>13</sup></li> <li>• The Morell/Harlow claim that, at the time of the July 2006 briefing, the CIA’s enhanced interrogation techniques “could still be used” is inaccurate. The use of the techniques had been suspended after passage of the Detainee Treatment Act and, in June 2006, the U.S. Supreme Court case of <i>Hamdan v.</i></li> </ul>
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<sup>9</sup> Page 51 of the CIA Response. See pages 14-15 of the Committee Study.

<sup>10</sup> See page 101 of the Committee Study.

<sup>11</sup> See page 51 of the Committee Study.

<sup>12</sup> Email from: [REDACTED], using [REDACTED], [REDACTED] account; to: [REDACTED], and [REDACTED]; subject: Al-Hawsawi Incident; date: November 21, 2003; page 106 of the Committee Study.

<sup>13</sup> See pages 164-166 of the Committee Study.

	<p><i>Rumsfeld</i> prompted the Department of Justice’s Office of Legal Counsel to withdraw a memorandum on the impact of the Detainee Treatment Act on the techniques. The Administration determined that it needed new legislation to support the continued use of the CIA’s enhanced interrogation techniques.<sup>14</sup></p>
<p><b>Page 252:</b></p> <p>Hayden gave the president-elect and his team their first in-depth briefing on enhanced interrogation techniques. Hayden, hoping that the session would ease the president-elect’s opposition to the program, explained that there was much misinformation about these techniques. <u>Hayden stressed the valuable intelligence gained by the program</u> and emphasized that only six enhanced techniques were available for use; he also emphasized that those still authorized, like the original list of ten, had been deemed by the Department of Justice not to be torture. <u>To make the point he demonstrated one of them, the open-hand facial slap, on Deputy DNI David Shedd.</u></p>	<ul style="list-style-type: none"> <li>• As detailed in CIA records and detailed in the Committee Study, President-elect Obama and his national security team were provided extensive inaccurate information about the CIA’s enhanced interrogation techniques, particularly with regard to their effectiveness.<sup>15</sup></li> <li>• The facial slap, like other CIA enhanced interrogation techniques, was used repeatedly, and in combination with other techniques.</li> </ul>
<p><b>Page 257:</b></p> <p>[T]he committee still could have asked</p>	<ul style="list-style-type: none"> <li>• The information conveyed by the Morell/Harlow book is incorrect. The Committee completed its primary research and drafting of the more 6,000-pages <u>prior</u> to the conclusion of the</li> </ul>

<sup>14</sup> Email from: [REDACTED]; to: [REDACTED]; cc: [REDACTED], John Rizzo; subject: FW: Summary of Hamdan Decision; date: June 30, 2006, at 4:44 PM; Department of Justice Office of Professional Responsibility; Report, Investigation into the Office of Legal Counsel’s Memoranda Concerning Issues Relating to the Central Intelligence Agency’s Use of ‘Enhanced Interrogation Techniques’ on Suspected Terrorists, July 29, 2009; page 428 of the Committee Study.

<sup>15</sup> See page 171 of the Committee Study.

<p>employees to voluntarily appear for interviews, and could have done the same with former officials, including Directors Tenet, Goss, and Hayden. But the committee never asked in either case, and it never asked to speak with employees after the DOJ investigation was completed – well before the committee’s work was done.</p>	<p>DOJ investigation into possible illegal CIA activities. Drafts of the report began being provided to the full Committee in October 2011, and continued through the fall of 2012. The Department of Justice did not conclude its investigation into CIA wrongdoing until August 30, 2012.<sup>16</sup></p> <ul style="list-style-type: none"> <li>• The Committee Study documents how the Committee had already been provided extensive information about the program from the leadership of the CIA, including testimony from Directors Goss and Hayden. For example, Director Hayden’s April 12, 2007, testimony is documented in Appendix 3, on pages 462-499 of the Committee Study. The CIA was then allowed to take more than six months in late 2012 and 2013 to complete a review of the 6,300-page Study and raise any objections. During this process the CIA contacted various current and former CIA personnel for comment, including Director Hayden. The CIA leadership thus had ample opportunities to convey to the Committee its perspective.</li> <li>• As CIA records reveal, much of the information conveyed by the CIA to the Committee about the program during its operation was inaccurate. After the program ended, the CIA continued to relay inaccurate information about the program, including in the CIA’s June 2013 Response that was led by Morell. When, in response to Committee inquiries, the CIA prepared responses acknowledging and correcting inaccurate representations, the CIA ultimately did not deliver those responses to the Committee.<sup>17</sup></li> <li>• Feinstein Press Releases on Topic:             <ul style="list-style-type: none"> <li>• <a href="http://www.feinstein.senate.gov/public/index.cfm/press-releases?ID=6a8f9372-a8a4-425c-9f79-32f30a9dd4f9">http://www.feinstein.senate.gov/public/index.cfm/press-releases?ID=6a8f9372-a8a4-425c-9f79-32f30a9dd4f9</a></li> <li>• <a href="http://www.feinstein.senate.gov/public/index.cfm/files/serve?File_id=c8983c02-ba28-4ddd-8e03-e9aac5b3b796&amp;SK=680EEE139651482306BC38FF4A905AB0">http://www.feinstein.senate.gov/public/index.cfm/files/serve?File_id=c8983c02-ba28-4ddd-8e03-e9aac5b3b796&amp;SK=680EEE139651482306BC38FF4A905AB0</a></li> <li>• <a href="http://www.feinstein.senate.gov/public/index.cfm/files/serve?File_id=7eb4b619-9244-44b0-b4bb-2cc6b15db025&amp;SK=2DEA6A271F3B8CA804AAE472BD5B53EE">http://www.feinstein.senate.gov/public/index.cfm/files/serve?File_id=7eb4b619-9244-44b0-b4bb-2cc6b15db025&amp;SK=2DEA6A271F3B8CA804AAE472BD5B53EE</a></li> </ul> </li> </ul>
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<sup>16</sup> <http://www.justice.gov/opa/pr/statement-attorney-general-eric-holder-closure-investigation-interrogation-certain-detainees>

<sup>17</sup> See page 454 of the Committee Study.

	<ul style="list-style-type: none"> <li>• DOJ Press Release:             <ul style="list-style-type: none"> <li>• <a href="http://www.justice.gov/opa/pr/statement-attorney-general-eric-holder-closure-investigation-interrogation-certain-detainees">http://www.justice.gov/opa/pr/statement-attorney-general-eric-holder-closure-investigation-interrogation-certain-detainees</a></li> </ul> </li> </ul>
<p><b>Page 257:</b></p> <p>The Republican minority on the committee, believing a thorough and fair review could not be done without interviews, in late December pulled its staff off the review team. None of this did anything to dissuade the majority, and the committee’s investigation continued. The study, at that point, ceased to be a committee effort; it was now only a Democratic majority effort.”</p>	<ul style="list-style-type: none"> <li>• The information conveyed by the Morell/Harlow book is incorrect. The Republican minority withdrew from the Committee Study on September 25, 2009, not December 2009.</li> <li>• The December 13, 2012, 9-6 vote that approved the 6,300-page Committee Study was bipartisan, with Republican Senator Olympia Snowe voting in favor.<sup>18</sup> In addition, Senator John McCain, an ex officio member of the Committee, voiced support for the Committee Study and documented this support in writing at the time of the vote.<sup>19</sup></li> </ul>
<p><b>Page 258:</b></p> <p>When EITs were first employed in the field, CIA officers decided it would be a good idea to videotape them. This was done in large part for defensive purposes. Abu Zubaydah had been badly injured during his capture; <u>if he died in captivity, our officers would want clear evidence that CIA had not killed him.</u></p>	<ul style="list-style-type: none"> <li>• The information conveyed by the Morell/Harlow book is inconsistent with CIA records and testimony provided to the Committee after the CIA destroyed the interrogation videotapes.</li> <li>• The danger to Abu Zubaydah was not CIA “captivity.” After being held in solitude for 47-days, the CIA determined that Abu Zubaydah’s August 2002 interrogation would take “precedence” over his medical care.<sup>20</sup> One email stated: “We are currently providing absolute minimum wound care (as evidenced by the steady deterioration of the wound), [Abu Zubaydah] has no opportunity to practice any form of hygienic self care (he’s filthy), the physical nature of his phase [of the interrogation] dictates multiple physical stresses (his reaction to today’s activity is I believe the culprit for the superior edge</li> </ul>

<sup>18</sup> This information has been publicly available. For example, see <http://www.reuters.com/article/2012/12/14/us-usa-interrogations-idUSBRE8BD01420121214>

<sup>19</sup> <http://www.mccain.senate.gov/public/index.cfm/2012/12/post-95e0a445-d569-80f9-f216-89ec7a7b6928>

<sup>20</sup> ALEC [REDACTED] (182321Z JUL 02); page 111 of the Committee Study.

	<p>separation), and nutrition is bare bones (six cans of ensure daily).”<sup>21</sup></p> <ul style="list-style-type: none"> <li>• Furthermore, as described below, on at least one occasion Abu Zubaydah lost consciousness during waterboarding and had to be revived. This incident was described in emails, but not in CIA cables. When two CIA Headquarters officers compared the Abu Zubaydah interrogation videotapes to the cable record, neither commented on this incident. A review of the catalog of videotapes found that recordings of a 21-hour period, which included two waterboarding sessions, were missing.<sup>22</sup> In other words, if the incident in which Abu Zubaydah lost consciousness during waterboarding was recorded on videotape, the relevant section of the tape was destroyed prior to Jose Rodriguez’s actions to destroy all of the videotapes in 2005.</li> </ul>
<p><b>Pages 258-259:</b></p> <p>The staff in the Counterterrorism Center and their bosses in the Directorate of Operations were in favor of destroying the tapes – but <u>lawyers at CIA and White House as well as other senior officials (eventually including CIA director Porter Goss and Director of National Intelligence John Negroponte) said, “Not so fast.”</u> This became a source of frustration and concern for a couple of years. CTC was worried because the faces of Agency officers were shown on the tapes; if the tapes ever leaked or were ever released, those officers’ personal security could be in jeopardy.</p>	<ul style="list-style-type: none"> <li>• The information conveyed by the Morell/Harlow book is inaccurate or incomplete with regard to both the motives for destroying the videotapes, and the CIA personnel who advocated for the destruction.</li> <li>• In October 2005, a congressional proposal to establish a commission to investigate U.S. detention policies and allegations of detainee abuse led to concern at the CIA that such a commission would lead to the discovery of the videotapes. That concern prompted renewed interest at the CIA, including from senior attorneys, to destroy the videotapes. On October 31, 2005, John Rizzo wrote an email stating that “Sen. Levin’s legislative proposal for a 9/11-type outside Commission to be established on detainees seems to be gaining some traction, which obviously would serve to surface the tapes’ existence.” Rizzo then added that “I think I need to be the skunk at the party again and see if the Director is willing to let us try one more time to get the right people downtown on board with the notion of our [sic] destroying the tapes.” Another senior attorney, who had viewed the videotapes, responded, “You are correct. The sooner we resolve this the better.” [REDACTED] of CTC Legal, also agreed that, “[a]pproaching the DCIA is a good idea,” adding, “[c]ommisions tend to make very broad document production demands, which might call for these</li> </ul>

<sup>21</sup> See email from: [REDACTED]; to: [REDACTED] and [REDACTED]; subject: 15 Aug Clinical; date: August 15, 2002, at 06:54 AM; page 111 of the Committee Study.

<sup>22</sup> CIA Inspector General’s Special Review on Counterterrorism Detention and Interrogation Activities issued on May 7, 2004.

<p>Also, during this time ugly images from Abu Ghraib prison made their way into the news. Although <u>there was no similarity between the actions of rogue army reservists in Iraq and those of CIA officers employing fully authorized interrogation techniques on a handful of known terrorists</u>, the distinction would be lost if the CIA images became public. There was no doubt that waterboarding did not make a pretty picture, and publication of those images would have had a devastating effect on CIA, damaged the reputation of the United States abroad, and undermined the security of US officials serving abroad. Frustrated by the lack of action, on November 8, 2005, Jose Rodriguez, the head of CIA's operational arm, the National Clandestine Service, took it upon himself to order that the tapes be destroyed. Two Agency lawyers had told him that there were no legal obstacles to doing so and that whether he did or not was a policy call. So, <u>despite the opposition from his superiors – Goss and Negroponte – and from the senior lawyer at CIA and senior lawyers at</u></p>	<p>videotapes that should have been destroyed in the normal course of business 2 years ago.”<sup>23</sup> The videotapes were destroyed shortly thereafter.</p> <ul style="list-style-type: none"><li>• Morell's failure to acknowledge the direct role of CIA attorneys in advocating for the destruction of the videotapes raises questions about his role in assessing the actions of Rodriguez (described on pages 259-260 of Morell's book).</li><li>• There were numerous similarities between the images from Abu Ghraib and the application of the CIA's enhanced interrogation techniques, for example the extensive use of nudity.</li></ul>
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<sup>23</sup> See 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 10:37 AM, and other emails; pages 443-444 of the Committee Study.



<p>the White House, Rodriguez ordered the destruction and then told the chain of command.”</p>	
<p><b>Page 262:</b></p> <p>[The Committee Study, as completed in December 2012 and provided to the CIA] made a number of significant charges, including that (1) the <i>detention and interrogation programs</i> did not produce intelligence of unique value (this was later revised by the committee staff to say <i>EITs</i> did not produce intelligence of value); ... [Emphasis in the original]</p>	<ul style="list-style-type: none"> <li>• The information conveyed by the Morell/Harlow book is inaccurate.</li> <li>• The 6,300-page December 2012 Committee Study to which Morell refers includes the following conclusion: “The evidence the CIA provided for the effectiveness of the CIA’s enhanced interrogation techniques was found to be inaccurate.” The Committee Study has never included a conclusion about the effectiveness of the overall program and, in fact, details valuable information provided by CIA detainees, to include Abu Zubaydah and Hassan Ghul, <u>prior</u> to their being subjected to the CIA’s enhanced interrogation techniques.</li> </ul>
<p><b>Page 262:</b></p> <p>[The Committee Study, as completed in December 2012 and provided to the CIA] made a number of significant charges, including that... (4) CIA had systematically misled the White House, the Justice Department, Congress, and the American public about the program (this is, CIA lied).”</p>	<ul style="list-style-type: none"> <li>• The information conveyed by the Morell/Harlow book is inaccurate.</li> <li>• The 6,300-page December 2012 Committee Study to which Morell refers includes only conclusions that the information conveyed to the White House, the Justice Department, Congress and the American public was “inaccurate.” This conclusion -- which is fully supported by the CIA’s records-- is included in the final declassified version of the Findings and Conclusions.</li> </ul>
<p><b>Page 263:</b></p> <p>As our officers were coming to closure on their</p>	<ul style="list-style-type: none"> <li>• Former CIA Deputy Director Mike Morell informed Senator Feinstein that he had not independently reviewed the full 6000+ page classified Committee Study.<sup>24</sup></li> </ul>

<sup>24</sup> On May 15, 2015, 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*.

<p>views of the report, <u>I was beginning to receive updates on what they were finding</u>—and it was not flattering to the authors of the SSCI study.</p>	<ul style="list-style-type: none"> <li>• Despite requests, Morell refused to be briefed by the Committee on the content and findings of the Committee Study after its completion. Morell also instructed the rest of the CIA to decline the Committee’s offers to brief CIA personnel on the Study.</li> <li>• Bill Harlow, Morell’s co-author, would not have had access to the classified version of the Committee Study. Harlow has co-authored other books by ex-CIA officials George Tenet and Jose Rodriguez. Both books contain significant inaccurate information on the CIA detention and interrogation program. The Committee Study describes in detail—using the CIA’s own internal records—how the CIA’s representations, repeated in books by Tenet, Rodriguez, and now Morell, are inaccurate.</li> </ul>
<p><b>Page 263:</b></p> <p>They [the CIA officers] found that the committee had correctly pointed out that the Agency <u>had not managed the program well in its early days</u>, which had resulted in the <u>mistreatment of some detainees</u> and the death of one (but the committee had failed to note that the Agency’s inspector general had identified this as a problem early on and it had been quickly fixed).</p>	<ul style="list-style-type: none"> <li>• Internal CIA records do not support the assertion by Morell/Harlow that the management problems that plagued the CIA Detention and Interrogation Program were “quickly fixed.”</li> <li>• Official CIA records 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.”<sup>25</sup></li> <li>• 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.<sup>26</sup></li> <li>• 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</li> </ul>

Morell stated, “I read the summary conclusions and case studies. That was 300 pages. I skimmed the rest of the report.”

<sup>25</sup> See CIA cable ([REDACTED] 1528 [REDACTED] and pages 14 and 110 of the Committee Study.

<sup>26</sup> 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 Committee Study.

	<p>time,” resulting in “the production of mediocre or, I dare say, useless intelligence....”<sup>27</sup></p>
<p><b>Page 263:</b></p> <p>But [CIA officers] also found that the majority of the committee’s conclusions were simply wrong.</p>	<p>As stated by Senators Feinstein and Udall, the CIA conducted an internal review of the CIA’s detention and interrogation program (referred to publicly as the “Panetta Review”). That internal CIA review—a review the CIA has attempted to cover-up—confirms many of the key findings of the Committee Study.</p> <p>See, for example:</p> <ul style="list-style-type: none"> <li>• <a href="http://www.nytimes.com/2015/01/21/world/cia-report-found-value-of-brutal-interrogation-was-inflated.html?_r=0">http://www.nytimes.com/2015/01/21/world/cia-report-found-value-of-brutal-interrogation-was-inflated.html?_r=0</a></li> <li>• <a href="http://www.nytimes.com/2013/12/18/us/politics/senators-ask-to-see-internal-cia-review-of-interrogation-program.html?_r=0">http://www.nytimes.com/2013/12/18/us/politics/senators-ask-to-see-internal-cia-review-of-interrogation-program.html?_r=0</a></li> <li>• Senator Udall Statements on the Panetta Review:             <ul style="list-style-type: none"> <li>○ <a href="https://www.youtube.com/watch?v=qk3ut21ksJ0">https://www.youtube.com/watch?v=qk3ut21ksJ0</a></li> <li>○ <a href="http://www.c-span.org/video/?323188-6/senator-mark-udall-dco-calls-resignation-cia-director">http://www.c-span.org/video/?323188-6/senator-mark-udall-dco-calls-resignation-cia-director</a></li> </ul> </li> </ul>
<p><b>Page 263:</b></p> <p>In particular, [CIA officers] concluded that the committee’s analysis about the effectiveness of the program was seriously flawed and that <u>the Agency had indeed generated a treasure trove of intelligence.</u></p>	<ul style="list-style-type: none"> <li>• The CIA’s official response to the Committee Study, a response that was compiled in 2013 under the direction of then-Acting Director Morell, acknowledges that the CIA had never conducted an effectiveness review of the CIA’s “enhanced interrogation techniques.”<sup>28</sup></li> <li>• The CIA did not justify its use of torture as a way to generate a “treasure trove of intelligence.” In order to obtain legal and policy approval for the program, the CIA represented that the CIA had obtained 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.” Internal CIA records demonstrate that these CIA</li> </ul>

<sup>27</sup> 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 Committee Study.

<sup>28</sup> See CIA June 2013 Response, page 7.

	<p>representations were inaccurate. The CIA’s internal “Panetta Review” came to similar conclusions.<sup>29</sup></p>
<p><b>Page 263:</b></p> <p>I believe that the SSCI staff that produced the committee’s study did a great disservice to the committee, the Central Intelligence Agency, and the country</p>	<p>Other Views:</p> <ul style="list-style-type: none"> <li>• “An exhaustive five-year Senate investigation of the CIA’s secret interrogations of terrorism suspects renders a strikingly bleak verdict . . . describing levels of brutality, dishonesty and seemingly arbitrary violence that at times brought even agency employees to moments of anguish.” —<i>The Washington Post</i></li> <li>• “This report strengthens self-government and, ultimately, I believe, America’s security and stature in the world.” —Senator John McCain</li> <li>• “The most extensive review of U.S. intelligence-gathering tactics in generations.” —<i>The Los Angeles Times</i></li> <li>• “The Senate intelligence committee’s report is a landmark in accountability . . . It is one of the most shocking documents ever produced by any modern democracy about its own abuses of its own highest principles.” —<i>The Guardian</i></li> </ul>
<p><b>Page 263:</b></p> <p>It appears to me that the staffers wrote the report that they thought their political masters wanted to see. Their <u>prosecutor’s brief</u> was intended to figuratively go for the death penalty.</p>	<ul style="list-style-type: none"> <li>• The CIA first began using the term “prosecutor’s brief” in early 2013.<sup>30</sup></li> <li>• It appears the CIA borrowed this phrase from Dick 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</li> </ul>

<sup>29</sup> See pages 172-175, and more generally, Section III of the Committee Study.

<sup>30</sup> See Scott Shane “C.I.A.’s History Poses Hurdles for an Obama Nominee,” *The New York Times*, March 6, 2013; and February 7, 2013, Senate confirmation hearing transcript. On February 7, 2013, Senator Chambliss stated that, in closed door meetings with him, Brennan stated that the Committee Study “was not objective,” it was “a prosecutor’s brief, written with an eye toward finding problems.”

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

	<p>arrays and selects so-called "facts" to fit preconceived theories."<sup>31</sup></p>
<p><b>Page 263:</b></p> <p>I believe they fell in love with material that appeared to confirm what they wanted to see and found ways of explaining away facts that did not fit their narrative.</p>	<ul style="list-style-type: none"> <li>• Morell and Harlow provide no evidence to support this statement. This appears to be a projection, as 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 provided were verifiably wrong and CIA personnel internally identified many of the examples provided as inaccurate. The inaccuracies, however, were never corrected.</li> <li>• On July 18, 2003, the chief of ALEC Station requested information on the “value and impact” of CIA detainee information that program managers could show CIA leadership. “One way to assist now,” the chief of ALEC Station wrote,” was to provide “highlights on intel and ops reporting from the detainees,” in particular “reporting that helped reveal or stop plots, reporting that clinched the identity of terrorist suspects, etc.”<sup>32</sup></li> <li>• In another example, a senior CTC Legal attorney sought to push back against the CIA’s own draft inspector general report by asking CIA employees for “a list of specific plots that have been thwarted by the use of detainee reporting that we acquired following the use of enhanced techniques.” The attorney stated he would compile the information, “emphasizing that hundreds or thousands of innocent lives have been saved as a result of our use of those techniques...” and that this information would likely be provided to policy makers, including the President.<sup>33</sup></li> <li>• CIA personnel were also told that it was "critical" that CIA “establish direct links between the application of the enhanced interrogation techniques and the production of intelligence that directly enabled the saving of innocent lives.”<sup>34</sup></li> </ul>

<sup>31</sup> <http://www.nytimes.com/1987/11/17/world/reports-of-the-iran-contra-committees-excerpts-from-the-minority-view.html>

<sup>32</sup> See CIA email from [REDACTED]; to DO CTC ALEC Group Chiefs; cc: [REDACTED], [REDACTED]; subject: value of detainees; date: July 18, 2003, at 01:09 PM) at page 185 of the Committee Study.

<sup>33</sup> See CIA email from: [REDACTED]; to [REDACTED] subject: Addition on KSM/AZ and measures; date: February 10, 2004. See also page 191 of the Committee Study.

<sup>34</sup> See email from: [REDACTED] to [REDACTED]; subject: Addition on KSM/AZ and measures; date: February 10, 2004 and page 191 of the Committee Study.

<p><b>Page 263:</b></p> <p>Senator Feinstein also bears significant responsibility for the many flaws in the report.</p>	<ul style="list-style-type: none"> <li>• Morell and Harlow continue to fail to provide evidence of the “many flaws in the report.” They provide no documents to counter the underlying CIA internal records that are detailed in the Committee Study.</li> </ul>
<p><b>Page 263-264:</b></p> <p>She [Senator Feinstein] made her very strong views on the appropriateness of CIA’s program known to her staff—a step that undoubtedly made it difficult for those writing a report to be objective. This is an error that even the most junior of managers of analysis at CIA would never make.</p>	<ul style="list-style-type: none"> <li>• Morell and Harlow provide no evidence that Senator Feinstein’s opposition to torture impacted the drafting of the Committee Study. As Senator Feinstein and other members of the Committee have stated, the Committee’s report is based on the CIA’s own internal records and interview reports of CIA officials regarding the program.</li> <li>• Finally, as noted previously in this document, 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.</li> </ul>
<p><b>Page 264:</b></p> <p>And Senator Feinstein was told on numerous occasions about the serious flaws in the report—including by me several times. At one meeting, I walked her through specific examples in the report of errors of fact, errors of logic, and errors of context (the latter situation is where the presented facts are accurate but other missing facts are necessary to understand the issue). And I pointed out that the examples were just the tip</p>	<ul style="list-style-type: none"> <li>• This statement by Morell and Harlow is factually inaccurate. While Morell did come to a meeting attempting to explain the so-called factual inaccuracies of the Committee Study, the information Morell provided to the Committee was directly at odds with the CIA’s own underlying records, as well as many of the findings of the CIA’s own internal “Panetta Review.” Committee staff identified for Morell in the meeting the inaccuracies in his statements. Morell could only respond that he was “not in the weeds.”</li> <li>• The CIA identified one inaccurate bullet point in the 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.</li> <li>• The final and full Committee Study (Official Senate Report 113-288) is more than 6700-pages. Morrell and the CIA have failed to identify a single factual error in the nearly 500-page</li> </ul>

<p>of the iceberg. I told her the report was riddled with such mistakes.</p>	<p>declassified summary, or the more than 6,700-page classified version.</p>
<p><b>Page 264:</b></p> <p>Errors of fact: Page six of the report’s Findings and Conclusions reads “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; the White House did.</u></p>	<ul style="list-style-type: none"> <li>• The only “error of fact” provided in the Morell and Harlow book is inaccurate. The information they suggest is absent in the declassified Committee Study is in the Study. The Committee Study (including the declassified version) details the CIA’s view that the White House ultimately restricted access (See 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.”). However, the CIA’s own June 2013 Response to the Committee Study acknowledges that the CIA was “comfortable” with not briefing the full Committee, stating: “We do not want to suggest that CIA chafed under these restrictions; on the contrary, [CIA] undoubtedly was comfortable with them.”<sup>35</sup> The Committee Study also details how the CIA advocated for denying access to information about the program to Senators and provided information only when necessary. 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.”<sup>36</sup></li> <li>• 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.</li> <li>• The CIA continued to attempt to restrict information 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</li> </ul>

<sup>35</sup> See page 16 of CIA June 2013 Response.

<sup>36</sup> Email from: [REDACTED]; to:[REDACTED]; subject: Re: Priority: congressional notification on Janat Gul; date: July 29, 2004; page 345 of the Committee Study.

	<p>arrangements made with countries hosting CIA detention sites.<sup>37</sup></p>
<p><b>Page 264:</b></p> <p>There is also an error of context here: <u>Nowhere does the report state that some of the committee leaders who were briefed, including SSCI Chairman Pat Roberts and HPSCI Chairman Porter Goss, supported limiting knowledge of the program only to the leadership. They did not want their members briefed either.</u></p>	<ul style="list-style-type: none"> <li>• Morell and Harlow state: “Nowhere does the report state that some of the committee leaders who were briefed, including SSCI Chairman Pat Roberts and HPSCI Chairman Porter Goss, supported limiting knowledge of the program.” This statement by Morell and Harlow, which purports to describe “an error of context” in the Committee Study, is inaccurate.</li> <li>• The information Morell and Harlow assert is absent in the Committee Study is in fact detailed extensively in both the classified and declassified versions of the Committee Study.</li> <li>• The declassified Executive Summary of the report describes Chairman Roberts’ position, including his opposition to an effort by Vice Chairman Rockefeller in 2005 to expand access to the program and to conduct an investigation of the program.<sup>38</sup></li> <li>• The full 6,700-page Committee Study includes several hundred pages on the interactions with the Committee and the views of Committee members.</li> </ul>
<p><b>Page 264:</b></p> <p>Errors of logic: The report’s very first finding reads: “The CIA’s use of its enhanced interrogation techniques was not an effective means of acquiring intelligence or gaining cooperation from detainees.”</p> <p>Here is the first fact provided to support that judgment: “. . . seven of the 39 CIA detainees known to have been subjected to the CIA’s enhanced interrogation techniques produced no</p>	<ul style="list-style-type: none"> <li>• Morell and Harlow purport to provide an “error of logic” by selectively omitting text from the Committee Study, and then suggesting the Committee’s conclusion is based solely on one factoid. As 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.”</li> <li>• Morell and Harlow appear 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/Harlow: “Hmm. Does that mean that thirty two of thirty-nine did produce intelligence? Sounds like an argument that EITs worked, not the other way around.”). 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</li> </ul>

<sup>37</sup> See Transcript of SSCI briefing, September 6, 2006, at pages 446-447 of the Committee Study.

<sup>38</sup> For example, see page 442 of the Committee Study.



<p>intelligence while in CIA custody.”</p> <p>Hmm. Does that mean that thirty two of thirty-nine did produce intelligence? Sounds like an argument that EITs worked, not the other way around.</p>	<p>subjected to the CIA’s “techniques.” Others in the group of 32 that produced intelligence were immediately subjected to the techniques upon entering CIA custody, undermining the CIA argument that the “techniques” were necessary to acquire intelligence and that all detainees were given an opportunity to provide intelligence before being tortured. 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. Morell and Harlow also ignore 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> <ul style="list-style-type: none"> <li>• Morell and Harlow ignore the CIA’s past representations regarding the effectiveness of the CIA’s enhanced interrogation techniques. As detailed in the CIA’s own records, the CIA indicated that the use of “enhanced interrogation techniques” was uniquely and universally effective in producing intelligence from CIA detainees. The CIA never informed the Committee that some CIA detainees subjected to the CIA’s “techniques” failed to produce any intelligence.</li> </ul>
<p><b>Page 264-265:</b></p> <p>Errors of context: In arguing that the CIA impeded congressional oversight of the program,</p>	<ul style="list-style-type: none"> <li>• The statements by Morell and Harlow are inaccurate. The Committee clearly details that the CIA first used its “enhanced interrogation techniques” on Abu Zubaydah in August 2002. However, the Committee also details how CIA records indicate</li> </ul>

<p>the report states “The CIA did not brief the leadership of the Senate Select Committee on the CIA’s enhanced interrogation techniques until September 2002, after the techniques had been approved and used.” That is true, and it sounds bad. <u>But the report conveniently left out some other interesting facts that shed a different light on this issue. The report does not say that EITs were first used on Abu Zubaydah in August 2002, while the Congress was on summer recess.</u></p>	<p>the CIA was seeking to use coercive interrogation techniques against detainees as early as November 2001.<sup>39</sup> This fact was not briefed to the Committee or its leadership. The Committee Study also details how the CIA sought to obtain policy and legal approvals to use the CIA’s “enhanced interrogation techniques” in the summer of 2002, several months before applying the “techniques” against Abu Zubaydah. This fact was not briefed to the Committee or its leadership.</p> <ul style="list-style-type: none"> <li>• Morell and Harlow indicate in their text 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 an Acting CIA Director and Deputy Director of the CIA, Morell would 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 cases where either the Chairman or Vice Chairman are unavailable, the CIA briefs the respective staff directors. Staff directors continue to work in the Senate during recess.</li> <li>• It is significant that Morell and Harlow concede that policy and Department of Justice approval for the CIA to use “enhanced interrogation techniques” began in the summer of 2002, and that the first use of the CIA’s “enhanced interrogation techniques” began in August 2002 after the CIA obtained policy and Department of Justice approval. Morell had previously insinuated in the CIA’s June 2013 Response to the Committee Study that the use of enhanced interrogation techniques began before approvals from the White and the Department of Justice.<sup>40</sup></li> </ul>
<p><b>Page 265:</b></p> <p>The HPSCI leadership was briefed on September 4, and the SSCI leadership was</p>	<ul style="list-style-type: none"> <li>• Morell and Harlow insinuate that this information is not found in the Committee Study. In fact, this information is found on multiple pages of the publically released declassified version of the Study (<i>see</i> pages 46, 48, 175, 437, and 438) and many more pages of the 6,700-page classified Study. The Committee Study</li> </ul>

<sup>39</sup> CIA records describe how in November 2001 – nine months before any congressional briefing – attorneys in the CIA’s Office of General Counsel circulated a draft legal memorandum describing the criminal prohibition on torture and how the CIA could circumvent it. *See* CIA memo November 26, 2001, Draft of Legal Appendix, “Hostile Interrogations: Legal Considerations for CIA Officers,” page 179 of the Committee Study.

<sup>40</sup> The argument by Morell and Harlow that the Committee leadership did not need to be briefed until September 2002 because “EITs were first used on Abu Zubaydah in August 2002” is significant because the CIA’s own June 2013 Response (compiled under Morell’s direction) attempted to argue that the use of “enhanced interrogation techniques” began in April 2002. The CIA’s June 2013 Response made this argument to justify past CIA statements attributing Abu Zubaydah’s April 2002 reporting to the use of the CIA’s enhanced interrogation techniques.

<p>briefed on September 27. Hardly withholding information from Congress.</p> <p>These multiple types of errors occur throughout the report’s thousands of pages.</p>	<p>details the briefings referenced, as well as the significant inaccurate information the CIA provided to policy makers during its briefings. As detailed in the Committee Study, the CIA withheld significant information from the Committee leadership.</p> <ul style="list-style-type: none"> <li>• Morell and Harlow provide no other evidence for the “multiple types of errors” that they assert “occur throughout the report’s thousands of pages.” As stated, with the exception of one bullet point in the 6,300-page December 2012 version of the Committee Study, Morell was unable to identify any factual errors in the Committee’s work (as noted, Morell led the CIA’s June 2013 Response).</li> </ul>
<p><b>Page 265:</b></p> <p>Most of the errors are ones that even a smart high school student would not make. Many, including me, have said publicly that the report is deeply flawed. These are the reasons why. The report is not the history of the program the [sic] Senator Feinstein has said it is; it is one of the worst pieces of analysis that this thirty three- year veteran of analysis at CIA has ever seen.</p>	<ul style="list-style-type: none"> <li>• Morell and Harlow continue to rely on inaccurate CIA talking points that have been discredited by the CIA’s own internal records. Notably, when Morell was confronted with CIA records disputing his statements in meetings with Senators and Committee staff, Morell conceded that he was “not in the weeds” and therefore could not provide any evidence for his assertions.</li> </ul>
<p><b>Page 265:</b></p> <p>The first point to make is that we are actually talking about two different programs. One is the detainee program—CIA’s establishment of secret prisons around the world where we held high-value detainees. And the second</p>	<ul style="list-style-type: none"> <li>• The Committee Study clearly and carefully delineates between the CIA’s detention program, which was authorized by the President in the September 17, 2001, MON, and the CIA’s use of coercive interrogation techniques, which were not authorized by the MON.<sup>41</sup></li> </ul>

<sup>41</sup> See Page 11 of the Committee Study.

<p>is the use of enhanced interrogation techniques—<u>harsh measures</u>—to extract information that <u>detainees were otherwise unwilling to provide</u>. This is an important distinction because you can have the detention program without the EIT program. To merge the two programs in a report is doing history a disservice. Each needs to be addressed separately.</p>	
<p><b>Page 266:</b></p> <p>Some of these reports talked about the possible use of weapons of mass destruction by al-Qa’ida -- - chemical weapons, biological weapons, and even crude nuclear devices.... What we were finding there included hands-on research into poisons and crude chemical weapons and, most worrisome, work on producing anthrax, a deadly biological weapon.”</p>	<ul style="list-style-type: none"> <li>• Assessments that al-Qa’ida had an anthrax program, like other assessed threats, led the CIA to use its enhanced interrogation techniques in a manner that resulted in the acquisition of inaccurate information. 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 harsh treatment would not stop until he “told the truth.” According to 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.”<sup>42</sup></li> </ul>
<p><b>Page 267:</b></p> <p>This deluge of threat reporting coincided with the <u>capture of senior al-Qa’ida operative Abu Zubaydah</u> in March 2002.</p>	<ul style="list-style-type: none"> <li>• Morell’s and Harlow’s assertion that Abu Zubaydah was a “senior al-Qa’ida operative” is inaccurate. The United States government no longer contends that Abu Zubaydah is a “senior al-Qa’ida operative.”</li> <li>• Internal CIA records detail how the CIA’s assessment of Abu Zubaydah prior to his capture was inaccurate. After his capture, the CIA exaggerated Abu Zubaydah’s role in al-Qa’ida. For</li> </ul>

<sup>42</sup> See [REDACTED] 1015 (012057Z AUG 03); [REDACTED] 1017 (030812Z AUG 03). See pages 82-83 of the Committee Study.

	<p>example, the CIA represented to the Department of Justice that Abu Zubaydah was the “third or fourth man” in al-Qa’ida. This information was known to be based on single-source reporting that was recanted prior to the CIA’s representation to the Justice Department. The CTC Legal officer who provided this information was directly informed that the reporting had been retracted.<sup>43</sup></p> <ul style="list-style-type: none"> <li>• By August 2006, the CIA itself had published an intelligence assessment explaining how the CIA had “miscast Abu Zubaydah as a ‘senior al-Qa’ida lieutenant.’”<sup>44</sup></li> </ul>
<p><b>Page 267:</b></p> <p>Zubaydah had extensive knowledge of al-Qa’ida personnel and operations. While briefly cooperative, Zubaydah, under standard interrogation techniques, later became defiant and evasive.</p>	<ul style="list-style-type: none"> <li>• The Committee Study, relying on the CIA’s own internal records, details how CIA officers knew that the public representations that Abu Zubaydah had become “defiant” and unwilling to answer questions were inaccurate. Commenting on a draft speech to be delivered by the President of the United States, a senior CIA officer wrote after conducting a search of CIA records: “I can find no reference to AZ being defiant [sic] and declaring America weak... in fact everything I have read indicated he used a non defiant [sic] resistance strategy.” In response a senior CTC officer at the CIA wrote: “I’ve certainly heard that said of AZ for years, but don’t know why...” The other senior CIA officer replied, “probably a combo of [the deputy chief of ALEC Station] and [Another senior CIA officer]... I’ll leave it at that.” The senior CTC officer completed the exchange, writing “yes, believe so... and agree, we shall pass over in silence.”<sup>45</sup> As a result of this silence, President Bush inaccurately stated that Abu Zubaydah was “defiant and evasive.” Morell merely repeats this inaccurate statement that has been included in CIA talking points for years. Morell provides no new evidence to refute the CIA’s own internal cables or the assessment of a senior CIA officer that the CIA has no records to support the assertion.</li> </ul>
<p><b>Page 267:</b></p> <p>It was clear that he was holding back information— information that could foil attacks and</p>	<ul style="list-style-type: none"> <li>• Morell and Harlow repeat the same CIA talking points that have been proven wrong by the CIA’s own internal records.</li> <li>• Contrary to the Morell and Harlow statement, it was <u>not</u> clear to Abu Zubaydah’s interrogation team that Abu Zubaydah was holding back information that could foil attacks. To the</li> </ul>

<sup>43</sup> See CIA email from: [REDACTED]; to: [REDACTED]; subject: AZ information; date: July 10, 2002, at 1: 18:52 PM, at page 410 of the Committee Study.

<sup>44</sup> See CIA Intelligence Assessment, August 16, 2006, “Countering Misconceptions About Training Camps in Afghanistan, 1990-2001” at page 430 of the Committee Study.

<sup>45</sup> See CIA records of a Sametime communication between [REDACTED] and [REDACTED], 30/Aug/06 13:15:23 to 19:31:47, at page 206 of the Committee Study.

<p>possibly save lives.</p>	<p>contrary, the CIA interrogation team wrote to CIA Headquarters: “[o]ur 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.”<sup>46</sup> Morell and Harlow provide no new evidence to refute what is clearly detailed in internal CIA records and now publically detailed in the Committee Study.</p> <ul style="list-style-type: none"> <li>• By August 9, 2002, the sixth day of the use of the CIA’s “enhanced interrogation techniques,” including waterboarding, of Abu Zubaydah, the interrogation team informed CIA Headquarters that they had come to the “collective preliminary assessment” that it was unlikely Abu Zubaydah “had actionable new information about current threats to the United States.” On August 10, 2002, the interrogation team stated that was “highly unlikely” that Abu Zubaydah possessed the information they were seeking. CIA Headquarters told the interrogation team to continue for several weeks. At no point during or after the use of the CIA’s “enhanced interrogation techniques” did Abu Zubaydah provide information to “foil” an attack. He <u>had</u> provided information on potential plotting to FBI Special Agents, prior to the use of the CIA’s “enhanced interrogation techniques.”<sup>47</sup></li> </ul>
<p><b>Pages 267-268:</b></p> <p>It was in this context that professional <u>intelligence officers in CIA’s Counterterrorism Center came to the leadership of the Agency</u> and recommended using a set of harsh interrogation techniques. In short, they walked into the director’s office and said, “If we do not use these techniques, Americans are going to</p>	<ul style="list-style-type: none"> <li>• As described in the Committee Study, there was no reason for CIA officers to state, or to believe, that interrogation techniques formally used by torture regimes to gain faulty confessions for propaganda purposes could be used to obtain accurate and reliable intelligence from CIA detainees. Indeed, as the Committee Study details, prior to the September 2001 attacks, the CIA had testified that coercive interrogations techniques do not work and result in faulty reporting.<sup>48</sup></li> </ul>

<sup>46</sup> See CIA cables, including [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, at page 207 of the Committee Study.

<sup>47</sup> See multiple internal CIA records, including the CIA’s own “Panetta Review”; ([REDACTED] 10604 (091624Z AUG 02); [REDACTED] 10607 (100335Z AUG 02), at pages 42-43 of the Committee Study.

<sup>48</sup> See pages 17-18 of the Committee Study.

<p>die.” <u>This statement was not hyperbole.</u> It was exactly what our officers thought, and there was good reason to think it.</p>	
<p><b>Page 268:</b></p> <p>Once convinced, George Tenet had a similar conversation with the White House, and the interrogation program was born.</p>	<ul style="list-style-type: none"> <li>• While CIA records indicate that the CIA did not brief President Bush, CIA records do detail CIA briefings to other White House officials. Those briefings are documented in the Committee Study.</li> <li>• As detailed in the Committee Study, CIA records state that on August 2, 2002, the National Security Council legal advisor informed the DCI’s chief of staff that: “Dr. Rice had been informed that there would be no briefing of the President on this matter.”<sup>49</sup></li> <li>• In August 2003, Tenet told the CIA Office of Inspector General that “he had never spoken to the President regarding the detention and interrogation program or EITS, nor was he aware of whether the President had been briefed by his staff.”<sup>50</sup></li> <li>• Former Acting CIA General Counsel John Rizzo wrote in his book (published in January 2014) and stated in interviews that:             <ul style="list-style-type: none"> <li>○ “The one senior U.S. Government national security official during this time—from August 2002 through 2003—who I did not believe was knowledgeable about the E.I.T.s [enhanced interrogation techniques] was President Bush himself.” Rizzo has also stated that the President “was not present at any of the Principals Committee meetings ... and none of the principals at any of the E.I.T. sessions during this period ever alluded to the president knowing anything about them.”</li> <li>○ In an interview with NPR, Rizzo stated that some of the chronology of events related to the C.I.A. interrogations that Bush provides in [his memoir] “Decision Points” doesn’t compute. Rizzo also stated he had “no idea” what Bush might have been referring to in his memoir.</li> </ul> </li> </ul>

<sup>49</sup> See CIA Email from: John Moseman; to: John McLaughlin, Jose Rodriguez, [REDACTED], John Rizzo, [REDACTED]; subject: Abu-Z Interrogation; date: August 2, 2002, at page 38 of the Committee Study.

<sup>50</sup> See CIA Office of General Counsel Comments on Counterterrorism Detention and Interrogation Program Special Review, at 23; CIA Office of Inspector General, Interview of George Tenet, memorandum dated 8 September 2003, Subject: 2003-7123-IG, Review of Interrogation for Counterterrorism Purposes at pages 38-39 of the Committee Study.

	<p>Throughout this period, Rizzo stated he was in daily contact with George Tenet, who said “nothing about any conversations he had with the president about E.I.T.s, much less any instructions or approvals coming from Bush.” Rizzo states, “It simply didn’t seem conceivable that George [Tenet] wouldn’t have passed something like that on to those of us who were running the program.” Rizzo got in touch with Tenet while preparing his book “Company Man” and Tenet confirmed “that he did not recall ever briefing Bush” on specific interrogation techniques being used at C.I.A. prisons. Rizzo wrote, <u>“I have to conclude that the account in Bush’s memoir simply is wrong.”</u> Rizzo finds “the episode perplexing but nonetheless admirable on Bush’s part.” Rizzo stated that typically Presidents distance themselves from controversial C.I.A. programs, but, in “Decision Points,” Bush “put himself up to his neck in the creation and implementation of the most contentious counterterrorist program in the post-9/11 era when, in fact, he wasn’t,” thus taking responsibility.</p>
<p><b>Pages 268-269:</b></p> <p><u>The Department of Defense refused to take them [detainees]</u>— so we had only two options at the time: bring them to the United States and put them into a judicial process, or turn them over to their countries of origin.</p> <p>In neither case could we guarantee that we would get intelligence from them. So we proposed a new option: create our own detention system, where we could ask them any question we wanted at any time. We</p>	<ul style="list-style-type: none"> <li>• The Harlow and Morell account is not supported by internal CIA records.</li> <li>• CIA records clearly reveal that the CIA did not ask DOD if it would take custody of Abu Zubaydah, the CIA’s first detainee. In March 2002, anticipating Abu Zubaydah’s arrest, the CIA unilaterally considered and rejected transfer to DOD custody. It rejected transfer to DOD custody in one location in large part because of the lack of security and the fact that Abu Zubaydah would have to be declared to the International Committee of the Red Cross (ICRC).<sup>51</sup> The CIA rejected transfer to DOD custody at Guantanamo Bay, Cuba, because of the general lack of secrecy and the “possible loss of control to US military and/or FBI.”<sup>52</sup></li> <li>• The “explicit approval of the White House” did not include the President, who is personally responsible for covert action. CIA records consistently and explicitly state that the CIA did not brief the President on its enhanced interrogation techniques until April 2006.</li> </ul>

<sup>51</sup> See CIA cable [REDACTED] 19595 (281106Z MAR 02); PowerPoint presentation, Options for Incarcerating Abu Zubaydah, March 27, 2002, as well page 22 of the Committee Study.

<sup>52</sup> See CIA PowerPoint presentation, Operations for Incarcerating Abu Zubaydah, March 27, 2002; page 22 of the Committee Study.



<p>could also monitor them continuously to acquire any intelligence they might disclose in conversations with other detainees. The sites were set up with the knowledge and cooperation of the host governments, who wanted our thanks, some financial support, and our silence. While we delivered on the first two promises, we, as a country, were not able to deliver on the third.</p> <p>* * *</p> <p>The second point is that the detention and interrogation program was not some rogue CIA operation that might be depicted in a Hollywood movie. CIA proposed the program but undertook it <u>only with the explicit approval of the White House.</u></p>	
<p><b>Page 269:</b></p> <p>In a conversation with Senator Feinstein after her staff completed its report on the program, <u>she was surprised when Director Brennan and I told her that President Bush had been aware of the program.</u></p>	<ul style="list-style-type: none"><li>• Senator Feinstein was not surprised President Bush was aware of the program; rather Senator Feinstein was surprised that Morell would claim President Bush was briefed by the CIA about the CIA’s “enhanced interrogation techniques” prior to April 2006—as there are <u>no</u> CIA records to support this assertion by Morell.</li><li>• CIA records indicate that President Bush was first briefed by the CIA on its enhanced interrogation techniques on April 8, 2006. At the briefing, President Bush expressed discomfort with the “image of a detainee, chained to the ceiling, clothed in a diaper, and forced to go to the bathroom on himself.”<sup>53</sup></li></ul>

<sup>53</sup> CIA Email from Grayson SWIGERT; to [REDACTED]; cc: [REDACTED]; subject: Dr. SWIGERT’s 7 June meeting with DCI; date: June 7, 2006; page 40 of the Committee Study.

	<ul style="list-style-type: none"><li>• The CIA Inspector General also maintained that the CIA had not briefed President Bush about the techniques. The IG had recommended in its May 2003 report that the CIA should brief the President. The IG wrote that to his knowledge, no briefing had taken place, stating: “DCI Tenet, before he left office, and Director Goss, shortly after taking office, both advised me that they had made requests to brief the President.”<sup>54</sup></li><li>• As per the above, former Acting CIA General Counsel John Rizzo wrote in his book (published in January 2014) and in interviews: “The one senior U.S. Government national security official during this time—from August 2002 through 2003—who I did not believe was knowledgeable about the E.I.T.s [enhanced interrogation techniques] was President Bush himself.” Rizzo writes that the President “was not present at any of the Principals Committee meetings . . . and none of the principals at any of the E.I.T. sessions during this period ever alluded to the president knowing anything about them.” In an interview with NPR, Rizzo stated that some of the chronology of events related to the C.I.A. interrogations that Bush provides in [his memoir] “Decision Points” doesn’t compute. Rizzo also stated he had “no idea” what Bush might have been referring to in his memoir. Throughout this period, Rizzo, as he remembers it, was in daily contact with George Tenet, who said “nothing about any conversations he had with the president about E.I.T.s, much less any instructions or approvals coming from Bush.” Rizzo writes, “It simply didn’t seem conceivable that George [Tenet] wouldn’t have passed something like that on to those of us who were running the program.” Rizzo got in touch with Tenet while preparing “Company Man” and Tenet confirmed “that he did not recall ever briefing Bush” on specific interrogation techniques being used at C.I.A. prisons. <u>Rizzo wrote, “I have to conclude that the account in Bush’s memoir simply is wrong.”</u> Rizzo stated that he finds “the episode perplexing but nonetheless admirable on Bush’s part.” Rizzo stated that typically Presidents distance themselves from controversial C.I.A. programs, but, in “Decision Points,” Bush “put himself up to his neck in the creation and implementation of the most contentious counterterrorist program in the post-9/11 era when, in fact, he wasn’t,” thus taking responsibility.</li></ul>
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<sup>54</sup> Letter from CIA IG John L. Helgerson to Vice Chairman John D. Rockefeller IV, April 5, 2006; page 39 of the Committee Study.

<p><i>Additional pages related to when President Bush was briefed:</i></p> <p><b>Page 69:</b></p> <p>The PDB briefings, which before 9/11 had been about intelligence analysis and reporting, now took on an added dimension. <u>Increasingly, operational decisions were made on the spot and orders given on priorities in the war against al Qa'ida.</u> I would provide the president with updates on exactly what was happening on the ground in Afghanistan, and Tenet would update <u>the president on the latest operational developments.</u></p> <p><b>Page 82:</b></p> <p>For a short period after I left the briefing job, I kept my hand in the PDB process by leading the component within CIA that both produces the PDB and supports the briefers... After about nine months, in the early fall of 2002, I was selected to be one of the two deputies to the deputy director for intelligence...</p>	<ul style="list-style-type: none"> <li>• Morell’s account of his CIA career, to include his PDB briefings of President Bush in late 2001 and 2002, as well as his admission that he (Morell) was not briefed on the CIA’s enhanced interrogation techniques until July 2006, is significant, and congruent with CIA records that indicate the CIA did not brief President Bush on the CIA’s enhanced interrogation techniques until April 2006.</li> <li>• Both CIA records and the Morell/Harlow book indicate that the PDB’s were a central venue through which President Bush received operational information from the CIA. For example, it was during a PDB session that President Bush approved the rendition of Abu Zubaydah to CIA custody in March 2002.<sup>55</sup></li> <li>• According to Morell, although he was responsible for President Bush’s PDBs until “early fall of 2002,” he (Morell) was <u>unaware</u> that the CIA was using “enhanced interrogation techniques.” Those techniques were approved in the summer of 2002 by the Department of Justice and first used against Abu Zubaydah in early August 2002.</li> <li>• CIA Director Tenet had approved the CIA’s use of enhanced interrogation techniques against Abu Zubaydah, but in August 2003, Tenet told the CIA Office of Inspector General that “he had never spoken to the President regarding the detention and interrogation program or EITS, nor was he aware of whether the President had been briefed by his staff.”<sup>56</sup> Tenet confirmed this years later to former Acting CIA General Counsel John Rizzo, who wrote in his January 2014 book and stated in interviews that: “The one senior U.S. Government national security official during this time—from August 2002 through 2003—who I did not believe was knowledgeable about the E.I.T.s [enhanced interrogation techniques] was President Bush himself.”<sup>57</sup></li> <li>• The details of Morell’s career in the Morell/Harlow book indicate that Morell would have been involved in the October</li> </ul>
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<sup>55</sup> Email from [REDACTED]; to: [REDACTED]; subject: NEW INFO: A-Z Interrogation Plan; date: march 29, 2002; page 23 of the Committee Study. President Bush’s approval did not include the use of the CIA’s enhanced interrogation techniques against Abu Zubaydah.

<sup>56</sup> See CIA Office of General Counsel Comments on Counterterrorism Detention and Interrogation Program Special Review, at 23; CIA Office of Inspector General, Interview of George Tenet, memorandum dated 8 September 2003, Subject: 2003-7123-IG, Review of Interrogation for Counterterrorism Purposes, at pages 38-39 of the Committee Study.

<sup>57</sup> <http://books.simonandschuster.com/Company-Man/John-Rizzo/9781451673944>

**Page 124:**

In late 2005... I picked up the phone and told Zelikow that I had already committed to a lower-level position as the deputy director of CTC...

**Page 126:**

I ended up taking another job outside CIA, at the National Counterterrorism Center (NCTC)... I served as the head of analysis for NCTC, trying to ensure that nothing got lost in the seam between domestic intelligence and foreign intelligence with regard to terrorism.

**Page 246:**

Two days after I started [as the number three official in the CIA, on July 5, 2006], one of the Agency's senior attorneys paid me a visit. He said he needed to 'read me into [brief me on] a compartmented program.'... The programs involved the Agency's establishment, after 9/11, of several secret prisons around the world and the use of harsh interrogation techniques to obtain critical information from the most senior and

2002 update to President Bush on Abu Zubaydah's interrogation.<sup>58</sup> As detailed in CIA records, the CIA began using the CIA's enhanced interrogation techniques against Abu Zubaydah on August 4, 2002. The techniques continued non-stop for weeks and included at least 83 applications of the waterboard interrogation technique. This information was not conveyed to the President in the October 2002 briefing by the CIA; rather, President Bush was informed in the October 2002 PDB that Abu Zubaydah "resisted providing useful information until becoming more cooperative in early August, probably in the hope of improving his living conditions." The PDB made no reference to the CIA's enhanced interrogation techniques.

- Morell confirmed he was unaware of the CIA's enhanced interrogation techniques, not only in his role as President Bush's PDB briefer, but also as the Deputy to the Deputy Director of Intelligence, as a senior analyst selected to serve at CTC, and as Head of Analysis at NCTC.

<sup>58</sup> ALEC [REDACTED] (181439Z OCT 02); page 47 of the Committee Study.

<p><u>hardened al Qa’ida leaders that we kept in those prisons.</u> The programs had been in place since 2002.</p> <p><b>Page 269:</b></p> <p>Her staff had gone through millions of documents, but somehow no one had thought to read <u>President Bush’s memoirs, where he states clearly that he approved the detention and interrogation program.</u></p>	
<p><b>Page 269:</b></p> <p>After the Senate committee spent tens of millions of dollars and four years on its investigation, its leader was unaware that the president of the United States had signed off on the program.</p>	<ul style="list-style-type: none"> <li>• <i>See above, which describes how the CIA’s own records indicate that the CIA did not brief the President on the CIA’s enhanced interrogation techniques until April 2006.</i></li> <li>• For costs, <i>see</i> December 10, 2014, Press Release by Senator Feinstein, in which Senator Feinstein corrects these inaccurate CIA talking points:             <p>“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.”<sup>59</sup></p> </li> </ul>

<sup>59</sup> <http://www.feinstein.senate.gov/public/index.cfm/2014/12/fact-check-intelligence-committee-did-not-spend-40-million-on-cia-study>

<p><b>Page 269:</b></p> <p>[Chairman Feinstein’s] staff had gone through millions of documents, but somehow no one had thought to read President Bush’s memoirs, where he states clearly that he approved the detention and interrogation program.</p>	<ul style="list-style-type: none"> <li>• <i>See above</i>, including former CIA Acting General Counsel John Rizzo’s assertion that the memoir by President Bush is inaccurate and not supported by the facts, as well as Rizzo’s assertion that former CIA Director George Tenet also believes the former President’s memoir is inaccurate.</li> <li>• As stated previously, former Acting CIA General Counsel John Rizzo has wrote (in his book “Company Man,” published in January 2014<sup>60</sup>) and has repeated in interviews: “The one senior U.S. Government national security official during this time—from August 2002 through 2003—who I did not believe was knowledgeable about the E.I.T.s [enhanced interrogation techniques] was President Bush himself.” Rizzo writes that the President “was not present at any of the Principals Committee meetings . . . and none of the principals at any of the E.I.T. sessions during this period ever alluded to the president knowing anything about them.” Rizzo stated that he had “no idea” what Bush might have been referring to in his memoir (George W. Bush “Decision Points,” published November 2010<sup>61</sup>).<sup>62</sup> Throughout this period, Rizzo, as he remembers it, was in daily contact with George Tenet, who said “nothing about any conversations he had with the president about E.I.T.s, much less any instructions or approvals coming from Bush.” Rizzo writes, “It simply didn’t seem conceivable that George [Tenet] wouldn’t have passed something like that on to those of us who were running the program.” Rizzo contacted Tenet while preparing “Company Man” and Tenet confirmed “that he did not recall ever briefing Bush” on specific interrogation techniques being used at C.I.A. prisons. <u>Rizzo wrote, “I have to conclude that the account in Bush’s memoir simply is wrong.”</u> Rizzo stated that he finds “the episode perplexing but nonetheless admirable on Bush’s part.” Rizzo stated that typically Presidents distance themselves from controversial C.I.A. programs, but, in “Decision Points,” Bush “put himself up to his neck in the creation and implementation of the most contentious counterterrorist program in the post-9/11 era when, in fact, he wasn’t,” thus taking responsibility.</li> </ul>
<p><b>Page 269:</b></p>	

<sup>60</sup> <http://books.simonandschuster.com/Company-Man/John-Rizzo/9781451673944>

<sup>61</sup> <http://www.broadwaybooks.net/book/9780739377826>

<sup>62</sup> <http://www.newyorker.com/news/daily-comment/the-c-i-a-s-lawyer-waterboarding-and-memory>; see also <http://www.npr.org/sections/thetwo-way/2014/12/16/369876047/torture-report-a-closer-look-at-when-and-what-president-bush-knew>

<p>CIA also briefed Congress on the program— initially only the leadership of the intelligence committees and then later the entire Committees. There were roughly forty separate briefings with Congress. When the leadership was briefed (eight different members over time), <u>there was no opposition to the program</u> (one member wanted to make sure that the White House had indeed approved the program).</p>	<ul style="list-style-type: none"> <li>• The Committee Study details how the CIA provided inaccurate information to the Senate in briefings and in testimony.</li> <li>• Morell and Harlow are wrong to assert that, during briefings of Committee leadership prior to September 6, 2006, “there was no opposition to the program.”</li> <li>• Importantly, the Committee Study details that 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.”<sup>63</sup></li> <li>• The Committee Study details how when SSCI Chairman Graham was briefed, 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.<sup>64</sup></li> <li>• CIA emails describe 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.<sup>65</sup></li> <li>• 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.<sup>66</sup> The CIA’s reaction to a possible</li> </ul>
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<sup>63</sup> 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 Committee Study.

<sup>64</sup> 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 Committee Study.

<sup>65</sup> 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 Committee Study.

<sup>66</sup> See February 3, 2005, letter from Senator Rockefeller to Senator Roberts on “the Committee’s upcoming agenda”; page 441 of the Committee Study.

	<p>congressional investigation of the CIA program, including CIA calls to destroy interrogation videotapes, are detailed in the Committee Study. (For example, on October 31, 2005, John Rizzo wrote an email stating that “Sen. Levin’s legislative proposal for a 9/11-type outside Commission to be established on detainees seems to be gaining some traction, which obviously would serve to surface the tapes’ existence.” Rizzo then added that “I think I need to be the skunk at the party again and see if the Director is willing to let us try one more time to get the right people downtown on board with the notion of our [sic] destroying the tapes.”<sup>67</sup>) The Committee Study also details how, throughout this period, Committee leadership was repeatedly provided inaccurate information by the CIA.</p> <ul style="list-style-type: none"> <li>• Morell and Harlow do not acknowledge the opposition from Committee Members after the full Committee was first briefed, in September 2006. For example, the Committee Study details the contents of formerly classified communications between Senators and the CIA in which Senators state their opposition to the CIA program. Senators McCain, Hagel, Feingold, Wyden and Feinstein are among those who raised objections.</li> </ul>
<p><b>Page 270:</b></p> <p>The third point is about the legality of the program. Were EITs legal? As the review by DOJ’s Office of Professional Responsibility showed, whether the Department of Justice’s Office of Legal Counsel (which is charged with providing legal advice to the president and all executive branch agencies) made the right legal call at the time is open to debate. It is hard to know with any certainty what the Supreme Court would have said if the</p>	<ul style="list-style-type: none"> <li>• As detailed in the Committee Study, CIA records show that the CIA provided the Department of Justice with inaccurate information on the application, use, and effectiveness of the CIA’s “enhanced interrogation techniques.” The CIA also informed the Department of Justice that no briefed policy makers objected to the program. As detailed in the Committee Study, this too was inaccurate.</li> </ul>

<sup>67</sup> 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 Committee Study.



<p>matter had come before it. But what is very important to remember is that, at the time the EITs were being used, the Department of Justice told CIA that they were legal. Period. Full stop.</p>	
<p><b>Page 271:</b></p> <p>The fourth point is about effectiveness. There is no doubt in my mind that the enhanced techniques were effective. Why do I believe this? Because of the SSCI report and the Agency’s response to it, my last months as deputy director involved my studying this issue in great detail.</p>	<ul style="list-style-type: none"> <li>• As described earlier, when Morell was told how the CIA’s June 2013 Response to the Committee Study was factually inaccurate, Morell could not defend the official CIA Response, only stating that he was “not in the weeds.”</li> <li>• The CIA’s June 2013 Response, which Morell led, acknowledges that the CIA had never conducted an effectiveness review of the CIA’s enhanced interrogation techniques. The official June 2013 CIA Response does <u>not</u> assert, as the Morell and Harlow do in their book, that the CIA’s enhanced interrogation techniques were effective.</li> </ul>
<p><b>Page 271:</b></p> <p>I read case study after case study in which detainees, before being subjected to EITs, provided limited, vague, and general information, and after being subjected to EITs became cooperative, providing much more specific and detailed information.</p>	<ul style="list-style-type: none"> <li>• The Committee Study examined the CIA’s own internal records and communications (more than 6 million pages). There are no records to support this assertion by Morell and Harlow.</li> <li>• The CIA’s own internal review of the program, the Panetta Review, found the CIA misrepresented the effectiveness of the program. Indeed, internal CIA records detail how CIA officers involved in the CIA interrogation program 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.</li> </ul>
<p><b>Page 271:</b></p> <p>The best example is that of 9/11 mastermind Khalid Sheikh Mohammed. KSM’s</p>	<ul style="list-style-type: none"> <li>• The Committee examined the CIA’s own internal records and communications (more than 6 million pages). There are no records to support this assertion by Morell and Harlow. To the contrary, as is detailed in the KSM section of the Committee Study, KSM repeatedly lied to the CIA during and after the use</li> </ul>

<p>demeanor and cooperativeness <u>before and after</u> enhanced interrogation techniques could not have been greater. Before EITs, he was fiercely defiant and unwilling to talk.</p>	<p>of the CIA’s “enhanced interrogation techniques.”</p> <ul style="list-style-type: none"> <li>• Morell and Harlow appear unfamiliar with KSM’s CIA interrogation, as there was no “before and after” regarding the use of the CIA’s enhanced interrogation techniques. CIA records clearly detail how KSM was subjected to the CIA’s enhanced interrogation techniques <u>immediately</u> upon his arrival at a CIA detention facility.<sup>68</sup></li> </ul>
<p><b>Page 271:</b></p> <p>After the techniques, [KSM] was cooperative and willing to talk truthfully and answer almost any question asked of him.</p>	<ul style="list-style-type: none"> <li>• Again, Morell and Harlow appear to be unfamiliar with the CIA’s records of KSM’s interrogation. CIA personnel involved in the interrogations consistently and repeatedly assessed that, after being subjected to the CIA’s enhanced interrogation techniques, KSM withheld and fabricated information on the critical plots most important to the CIA. They included CBRN programs;<sup>69</sup> plotting against U.S. interests in Karachi, Pakistan;<sup>70</sup> plotting against Heathrow Airport;<sup>71</sup> Abu Issa al-Britani;<sup>72</sup> as well as the “Second Wave” plotting against the “tallest building in California,” which prompted the CIA’s ALEC Station to note that it “remain[e]d concerned that KSM’s progression towards full debriefing status is not yet apparent where it counts most, in relation to threats to US interests, especially inside CONUS.”<sup>73</sup></li> </ul>
<p><b>Page 271:</b></p> <p>The result was a treasure trove of critically important information. KSM provided information regarding a number of plots he had been working on prior to his capture. <u>One was a plot to blow up the Brooklyn Bridge.</u></p>	<ul style="list-style-type: none"> <li>• Again, Morell and Harlow appear to be unfamiliar with the CIA’s internal records. CIA records clearly reveal that after being subjected to the CIA’s enhanced interrogation techniques, KSM continued to deny any plans to attack bridges and never mentioned Iyman Faris. On March 10, 2003, in response to information already obtained from another source unrelated to the program, KSM stated that any such plans were “theoretical” and only “on paper.” KSM also stated that no one was currently pursuing such a plot. KSM repeated this assertion on March 16, 2003, noting that,</li> </ul>

<sup>68</sup> See page 82 of the Committee Study and CIA cables referenced, to include [REDACTED] 10711 [REDACTED]; [REDACTED] 10705 [REDACTED]; DIRECTOR [REDACTED].

<sup>69</sup> DIRECTOR [REDACTED] (121550Z JUN 03)

<sup>70</sup> ALEC [REDACTED] (022012Z MAY 03)

<sup>71</sup> Memorandum for: [REDACTED]; [REDACTED]; [REDACTED]; from: [REDACTED]; subject: Action detainee branch; date: 12 June 2003

<sup>72</sup> ALEC [REDACTED] (210159Z OCT 03); email from [REDACTED]; to: [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; cc: [REDACTED]; subject: KSM and Khallad Issues; date: October 16, 2003, at 5:25:13 PM

<sup>73</sup> ALEC [REDACTED] (222153Z APR 03). See page 212 of the Committee Study.

<p>After he became cooperative, KSM revealed al Qa'ida's longstanding interest in bringing down suspension bridges in the United States. He specified the methods of destroying such bridges that al Qa'ida taught its recruits. And, most important, he said he had instructed Iyman Faris, a naturalized American citizen from Kashmir, to destroy the Brooklyn Bridge.</p>	<p>while UBL officially endorsed attacks against suspension bridges in the United States, he “had no planned targets in the US which were pending attack and that after 9/11 the US had become too hard a target.”<sup>74</sup> KSM did not discuss Faris until confronted with a picture of Faris (who was already under FBI investigation), a picture of Majid Khan, and Majid Khan's reporting (Khan was providing extensive information, including on Faris, while in foreign government custody being interrogated using rapport building techniques). KSM still did not identify Faris by name.<sup>75</sup></p> <ul style="list-style-type: none"> <li>• When assessing the session in which KSM discussed the bridge plotting, personnel at the detention site wrote that “KSM will selectively lie, provide partial truths, and misdirect when he believes he will not be found out and held accountable.” On the other hand, the CIA officers wrote that “KSM appears more inclined to make accurate disclosures when he believes people, emails, or other source material are available to the USG for checking his responses.”<sup>76</sup></li> <li>• CIA officials ridiculed the seriousness of the bridge threat. A senior CIA counterterrorism official who had previously served as chief of the Bin Ladin Unit wrote that “if these are the types of attacks ksm is planning, [KSM] was more of a nuisance [sic] than a threat.” In a separate email, he asked “did [KSM] think no one would see or hear these yahoos trying to unscrew the bridge?”<sup>77</sup></li> <li>• In April 2005, when the CIA was compiling “examples of lives saved,” the inclusion of KSM's reporting on Iyman Faris prompted the comment that “we risk making ourselves look silly if the best we can do is the</li> </ul>
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<sup>74</sup> See [REDACTED] 10752 (102320Z MAR 03); DIRECTOR [REDACTED] (122101Z MAR 03); [REDACTED] 10858 (170747Z MAR 03); page 281 of the Committee Study.

<sup>75</sup> Memorandum for [REDACTED], [REDACTED]; from [REDACTED], OFFICE: [REDACTED]/ [DETENTION SITE BLUE]; subject: Baltimore boy and KSM; date: 15 March 2003, at 07:08:32 PM; ALEC [REDACTED] (152212Z MAR 03); [REDACTED] 10865 (171648Z MAR 03); [REDACTED] 10866 (171823Z MAR 03); [REDACTED] 10870 (172017Z MAR 03); ALEC [REDACTED] (261745Z MAR 03); ALEC [REDACTED] (180200Z MAR 03); page 282 of the Committee Study.

<sup>76</sup> [REDACTED] 10884 (182140Z MAR 03); pages 89-90 of the Committee Study.

<sup>77</sup> See CIA Email from: [REDACTED]; to: [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED]; subject: attacks in conus; date: March 25, 2003, at 6:19:18 AM; Email from [REDACTED]; to: [REDACTED], [REDACTED], [REDACTED], [REDACTED]; date: march 25, 2003, at 6:35:18 AM; page 283 of the Committee Study.

	<p>Brooklyn Bridge – perhaps we should omit specific examples rather than ‘damn ourselves with faint praise.’<sup>78</sup></p>
<p><b>Page 271:</b></p> <p>As a result of KSM’s information, Faris was confronted by the FBI.</p>	<ul style="list-style-type: none"> <li>• Again, Morell and Harlow appear to be unfamiliar with the CIA’s internal records. Iyman Faris was under FBI investigation <u>prior</u> to any KSM reporting on him (FBI confirmed this fact on November 30, 2010). Majid Khan, who was in foreign government custody and being interrogated using rapport building techniques, provided significant information on Iyman Faris, prior to any reporting from KSM.<sup>79</sup> When the FBI approached Iyman Faris, he talked voluntarily and then voluntarily relocated to the FBI’s Quantico facility, emailing individuals at the FBI’s behest for intelligence collection.<sup>80</sup></li> <li>• The CIA’s June 2013 Response to the Committee Study, which was led by Morell, acknowledged that the CIA’s previous representations that KSM’s information led to the investigation of Iyman Faris were inaccurate.<sup>81</sup></li> </ul>
<p><b>Pages 271-272:</b></p> <p>After KSM’s capture, Baluchi assumed responsibility for a planned attack on Heathrow Airport and for multiple attacks in Karachi. He was within days of completing preparations for the Karachi attacks when he was captured by Pakistani authorities. <u>I am</u></p>	<ul style="list-style-type: none"> <li>• Again, Morell and Harlow appear to be unfamiliar with the CIA’s internal records. KSM played no role in the disruption of the Karachi Plot or the “thwarting” of the Heathrow Plot.</li> <li>• CIA records clearly indicate that the Karachi Plot was completely disrupted when Pakistani government officials arrested Ammar al-Baluchi and Khallad bin Attash. The arrests and disruption of the plotting were unrelated to any CIA detainee reporting.<sup>82</sup> During and after being subjected to the CIA’s enhanced interrogation techniques, KSM withheld information about the plotting until confronted with the arrests, at which point ALEC Station wrote “We were disappointed to see that KSM only made these new admissions of planned</li> </ul>

<sup>78</sup> See CIA Email from: [REDACTED]; to: [REDACTED]; cc: [REDACTED], John Rizzo; subject: Re: Interrogation Program- Going Public Draft Talking Points- Comments Due to [REDACTED] me by COB TODAY Thanks; date: April 20, 2005, at 5:10:10 PM; page 196 of the Committee Study.

<sup>79</sup> For example, see [REDACTED] 13785 [REDACTED]; [REDACTED] 13713 [REDACTED]; page 281 of the Committee Study.

<sup>80</sup> See page 284 of the Committee Study and CIA Office of Inspector General interview of [REDACTED], Chief of the [REDACTED] Branch of the UBL Group at CTC, July 30, 2003.

<sup>81</sup> See CIA June 2013 Response, at page 13.

<sup>82</sup> See pages 239-246 of the Committee Study.

<p><u>convinced that KSM never would have told us about these plots without the use of harsh techniques.</u></p>	<p>attacks in Pakistan after seeing the capture photographs of Ammar al-Baluchi and Khallad. We consider KSM’s long-standing omission of [this] information to be a serious concern, especially as this omission may well have cost American lives had Pakistani authorities not been diligent in following up on unrelated criminal leads that led to the capture of Ammar, bin Attash, and other probable operatives involved in attack plans... Simply put, KSM has had every opportunity to come clean on this threat and, from our optic, he deliberately withheld the information until he was confronted with evidence that we already knew about it, or soon would know about it from Ammar and Khallad... KSM’s provision of the Pakistan threat reporting – only after he was made aware of the capture of the attack planners – is viewed as a clear illustration of continued and deliberate withholding of threat information which be believed had not yet been compromised.”<sup>83</sup></p> <ul style="list-style-type: none"> <li>• Significant information was known about the Heathrow plotting prior to any reporting from KSM, and the plot had not progressed beyond the initial planning stages when the operation was fully disrupted with the detentions of Ramzi bin al-Shibh, KSM, Ammar al-Baluchi, and Khallad bin Attash. None of these captures were related to CIA detainee reporting.<sup>84</sup> During and after being subjected to the CIA’s enhanced interrogation techniques, KSM withheld and fabricated extensive information about the plot and possible plotters. As a CIA analyst wrote in May 2003, nearly two months after the CIA had stopped using the techniques against KSM, “Bottom Line: KSM knows more about this plot than he’s letting on.”<sup>85</sup></li> </ul>
<p><b>Page 145:</b> <u>Starting in 2002, we learned from detainees of a person who had worked with Bin Ladin prior to 9/11 and who had worked for Khalid Sheikh Mohammed (KSM) after 9/11.</u></p>	<ul style="list-style-type: none"> <li>• CIA records clearly detail how no CIA detainee discussed Abu Ahmed in 2002. However, Morell and Harlow go back and forth from inferring that CIA detainees provided information on Abu Ahmed in 2002 (similar to inaccurate CIA testimony detailed in the Committee Study), and acknowledging that these were detainees in the custody of a foreign government. In fact, it was detainees in foreign government custody who reported that Abu Ahmed could possibly be a courier, as he “traveled frequently” to “meet with Usama bin Ladin” and reported that</li> </ul>

<sup>83</sup> ALEC [REDACTED] (022012Z MAY 03); page 246 of the Committee Study

<sup>84</sup> See pages 294-301 of the Committee Study.

<sup>85</sup> Email from: [REDACTED]; to: [REDACTED]; cc: [REDACTED], [REDACTED]; subject: “KSM on Heathrow”; date: May 20, 2003, at 03:44 PM; page 300 of the Committee Study.

<p>One detainee told our officers that this individual served as a courier for messages to and from Bin Ladin.</p> <p>Another detainee speculated that he was the sort of person who could be living with Bin Ladin. This guy’s nom de guerre – his Arab nickname – was “Abu Ahmed al-Kuwaiti.”</p> <p><b>Page 272:</b></p> <p>Then there is the Bin Ladin operation. <u>The first person to tell us about Abu Ahmed, the person who harbored Bin Ladin at Abbottabad, was a terrorist who was being detained by another country.</u></p> <p>This led us to ask our detainees about Abu Ahmed, and <u>both CIA detainees subjected to EITs and those not subjected to EITs talked about him.</u></p>	<p>Abu Ahmed “was one of the few close associates of Usama bin Ladin.”<sup>86</sup></p> <ul style="list-style-type: none"> <li>• When CIA detainee Hassan 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, it was in January 2004. Ghul provided this information prior to being subjected to the CIA’s enhanced interrogation techniques.<sup>87</sup></li> <li>• At a hearing on May 2, 2011, Morell and other CIA officers testified inaccurately that detainees in CIA custody were the first to tell the CIA about Abu Ahmed. This was incorrect,<sup>88</sup> as Morell now acknowledges in his book.</li> <li>• CIA records indicate that the CIA was actively targeting Abu Ahmed and had collected significant intelligence on Abu Ahmed prior to any CIA detainee reporting. This included intelligence stating that Abu Ahmed was involved in operational planning against the United States with KSM and, as noted above, that Abu Ahmed may have served as a courier, as he had “traveled frequently” to “meet with Usama Bin Ladin.”<sup>89</sup></li> <li>• CIA records clearly indicate that multiple CIA detainees who were never subjected to the CIA’s enhanced interrogation techniques spoke extensively about Abu Ahmed. Other key CIA detainees spoke about Abu Ahmed al-Kuwait before being subjected to the CIA’s enhanced interrogation techniques.</li> <li>• Detainees subjected to the CIA’s enhanced interrogation techniques “talked about” Abu Ahmed when questioned by the CIA, but <u>denied</u> knowing, denied his status in al-Qa’ida, or attempted to mislead the CIA about him. For example, KSM stated that Abu Ahmed was not a courier and stated that he had never heard of Abu Ahmed transporting letters for UBL. Abu Faraj al-Libi denied knowing Abu Ahmed altogether.<sup>90</sup> As noted below, the detainee who provided the most accurate information on Abu Ahmed, Hassan Ghul, had not yet been subjected to the CIA’s enhanced interrogation techniques.</li> </ul>
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<sup>86</sup> DIRECTOR [REDACTED] (251833Z JUN 02); CIA [REDACTED] (102158Z APR 02); DIRECTOR [REDACTED] (221240Z AUG 02); pages 380-383 of the Committee Study.

<sup>87</sup> HEADQUARTERS [REDACTED] JAN 04), pages 395-398 of the Committee Study.

<sup>88</sup> See page 383 of the Committee Study

<sup>89</sup> See pages 380-383 of the Committee Study.

<sup>90</sup> See pages 387-388 of the Committee Study.

<p><b>Page 272:</b></p> <p>But there is no doubt in my mind that information generated by EITs led us to push Abu Ahmed to the top of the list of leads we were pursuing on Bin Ladin. <u>The most specific information on Abu Ahmed came from a detainee after he was subjected to EITs.</u></p>	<ul style="list-style-type: none"> <li>• Again, Morell and Harlow appear to be unfamiliar with the CIA’s internal records. In fact, there are NO records to support the assertion made by Morell and Harlow.</li> <li>• While the CIA has occasionally identified Ammar al-Baluchi as providing intelligence on Abu Ahmed after enhanced interrogation techniques (<i>See CIA Response</i>), CIA internal records clearly detail how Ammar first discussed Abu Ahmed with foreign government interrogators using rapport building techniques prior his transfer to CIA custody. Ammar’s reporting was corroborative of other reporting, although later Ammar retracted the information he provided.<sup>91</sup></li> <li>• The most specific information that came from a CIA detainee was provided by Hassan Ghul, who provided it <u>prior</u> to being subjected to the CIA’s enhanced interrogation techniques. Ghul stated that “UBL was likely living in Peshawar area,” and 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. 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.... UBL likely has maintained a small security signature of circa one or two persons. Ghul speculated that Abu Ahmed likely handled all of UBL’s needs, including moving messages out to Abu Faraj [al-Libi]....”<sup>92</sup></li> </ul>
<p><b>Pages 145-146:</b></p> <p>What particularly caught our interest was the reactions of the two most senior al Qa’ida detainees in our custody – KSM and Abu Faraj al-Libi. <u>By the time we asked them about Abu Ahmed, both were cooperating with us, answering our questions in great detail.</u> Regarding Abu Ahmed, however,</p>	<ul style="list-style-type: none"> <li>• Again, Morell and Harlow appear to be unfamiliar with the CIA’s internal records.</li> <li>• The CIA did <u>not</u> assess that KSM was cooperative after being subjected to the CIA’s enhanced interrogation techniques or that Abu Faraj was cooperative about matters other than Abu Ahmed. Both were considered unreliable and providing inaccurate information throughout their CIA detention. In June 2003, months after the CIA had stopped using the techniques against KSM, 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,</li> </ul>

<sup>91</sup> See page 388 of the Committee Study.

<sup>92</sup> HEADQUARTERS [REDACTED] JAN 04, pages 395-398 of the Study.

<p>KSM said he remembers him but he denied that Abu Ahmed was Bin Ladin’s courier and he said that Abu Ahmed had left al Qa’ida after 9/11 – statements inconsistent with what the other detainees had told us. And Abu Faraj insisted that he did not know Abu Ahmed and indeed had never even hears of him – again directly contradicting what others had told us about a close relationship between the two. The coup to grace occurred when KSM returned to his cell after the questioning and communicated to other prisoners that they should not mention anything about ‘the courier.’ Both KSM and Abu Faraj, who had given us information extremely damaging to al Qa’ida , were going out of their way to protect Abu Ahmed. Our interest in the courier was now sky-high.</p> <p><b>Page 272:</b></p> <p>And it was KSM and Abu Faraj’s dissembling about Abu Ahmed—<u>After they were compliant as a result of EITs and during a time when they were</u></p>	<p>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.”<sup>93</sup></p> <ul style="list-style-type: none"><li>• The argument that KSM’s and Abu Faraj’s lying about Abu Ahmed demonstrates the effectiveness of the CIA’s enhanced interrogation techniques contradicts the assertion that the techniques were effective in gaining their cooperation.</li><li>• The final reference to KSM in this passage references activity that took place in Department of Defense custody. During this period, Abu Ahmed had already become a central target of CIA operational and analytical activity.</li></ul>
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<sup>93</sup> 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 Committee Study.



<p>honestly answering <u>literally hundreds of other questions</u>— that really put the spotlight on Abu Ahmed. If they were telling the truth about so many other matters but going out of their way to lie about Abu Ahmed, he must be really important, we figured</p>	
<p><b>Page 272:</b></p> <p>To put it bluntly: without the overall detention program, we would not have caught Bin Ladin the way we did. The detention program was a necessary condition for the success of the Bin Ladin operation. And the enhanced interrogation program resulted in our putting more resources on the lead than we would have otherwise. Whether EITs were essential or not, I do not know. But they certainly helped focus attention on the man who would eventually take us to Bin Ladin’s doorstep.</p>	<ul style="list-style-type: none"> <li>• Again, Morell and Harlow appear to be unfamiliar with the CIA’s internal records.</li> <li>• The CIA had extensive information on Abu Ahmed prior to any CIA detainee reporting, including on his telephonic activity, email communications, involvement in attack planning with KSM (including targeting the United States), physical description and family information, and close association with and travel to see UBL. For example, detainees in foreign government custody reported that Abu Ahmed could possibly be a courier, as he “traveled frequently” to “meet with Usama bin Ladin” and reported that Abu Ahmed “was one of the few close associates of Usama bin Ladin.”<sup>94</sup> The CIA’s effort to link the raid on UBL’s compound to the CIA’s enhanced interrogation techniques goes back to March 2011, months prior to the raid, when the CIA began formulating its “vital points” for public outreach after the raid, the first of which was “the critical nature of detainee reporting in identifying Bin Ladin’s courier.”<sup>95</sup></li> </ul>
<p><b>Pages 272-273:</b></p> <p>In addition to information that disrupted specific plots and brought many senior al Qa’ida operatives</p>	<ul style="list-style-type: none"> <li>• As detailed in the Committee Study, the CIA’s enhanced interrogation techniques did not “disrupt[ ] specific plots” or bring “many senior al Qa’ida operatives to justice.”</li> <li>• “Allowing analysts to better understand al Qa’ida” was not the</li> </ul>

<sup>94</sup> DIRECTOR [REDACTED] (251833Z JUN 02); CIA [REDACTED] (102158Z APR 02); DIRECTOR [REDACTED] (221240Z AUG 02); pages 380-383 of the Committee Study.

<sup>95</sup> See CIA Center for the Study of Intelligence, “Lessons from the Hunt for Bin Ladin,” September 2012; page 378-379 of the Committee Study.

<p>to justice, detainees— particularly KSM—also provided a large amount of information on the organization itself—  <u>allowing analysts to better understand</u> al Qa‘ida, and giving our operatives clues to what would undermine the group and its capabilities. Indeed, more than 70 percent of the human intelligence information in a 2007 National Intelligence Estimate on al Qa‘ida was obtained from detainees. And nearly half the footnotes in the 9/11 Commission Report indicate that specific information had come from CIA detainees.</p>	<p>standard the CIA used to justify its enhanced interrogation techniques; the CIA represented that the techniques were necessary to produce “otherwise unavailable intelligence” that thwarted specific plots and resulted in the capture of specific terrorists.</p> <ul style="list-style-type: none"> <li>• The dissemination of intelligence and its use in NIE’s does not demonstrate its accuracy or account for the fact that it was corroborative of previously collected intelligence. KSM in particular was responsible for extensive fabricated information that was disseminated by the CIA.<sup>96</sup></li> </ul>
<p><b>Page 273:</b></p> <p>The fifth point is about necessity. While effective, were EITs necessary to get this critically important information or were there other, perhaps less harsh, ways to do so? Although the CIA officers on the front lines in this program believe that EITs were absolutely necessary, the Agency, including when I was acting director, has repeatedly said that this is</p>	<ul style="list-style-type: none"> <li>• Contrary to external CIA representations, internal CIA records clearly detail how the CIA applied its enhanced interrogation techniques <u>after</u> plots had been thwarted, <u>after</u> terrorists had been captured, or <u>after</u> the intelligence that would lead to these operations had already been collected from other means. These analogies would thus apply only if the atomic bomb had been dropped after the U.S. had already won WWII, and habeas corpus had been suspended after the North had won the Civil War, in which case these acts would not have been necessary.</li> </ul>

<sup>96</sup> See pages 213-215 of the Committee Study.

<p>something we will never know for sure.          In retrospect, I believe this refrain is too cute by half. Yes, of course, necessity is an unknowable thing. But it is, I think, almost an irrelevant point as necessity is almost always unknowable, including with regard to tough national security decisions. <u>Was detonating atomic bombs over Hiroshima and Nagasaki necessary to force Japan's timely surrender in World War II? We will never know for sure. Was Abraham Lincoln's suspension of habeas corpus necessary for the North to win the Civil War? We will never know for sure.</u></p>	
<p><b>Pages 273-274:</b></p> <p>The Senate report on EITs gives the reader the impression that no one in the Bush administration ever considered this difficult question. That is wrong; it was considered.</p> <p>Senior CIA officials at the time knew, with certainty, for example, that they would face tough criticism someday because of the harshness of the techniques but they</p>	<ul style="list-style-type: none"> <li>• Relying on more than 6 million pages of CIA records, the Committee Study details the internal CIA discussions about the program, including the thoughts of senior CIA officers about the criticism they might face in the future. For example, Office of Inspector General records indicate that Director Tenet “believes that if the general public were to find out about this program, many would believe we are torturers.” Tenet added, however, 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.”<sup>97</sup> The Committee Study further details how some Bush Administration officials asked the CIA specific questions about the operation and effectiveness of the CIA program, and how the CIA provided inaccurate information in response to their questions.</li> </ul>

<sup>97</sup> Interview of George Tenet, Office of the Inspector General, September 8, 2003; page 123 of the Committee Study.

<p>thought them necessary to protect the country.</p>	
<p><b>Page 274:</b></p> <p>When it comes to EITs, there are two key aspects to the morality question. <u>Is it moral to subject other human beings, no matter how evil they are, to harsh interrogation techniques,</u> particularly when done by the country that stands for human dignity and human rights in the world? At the same time, what is the morality of not doing so? <u>What is the morality of believing that, if you do not use the harsh techniques, you may well be making a decision that leads to the death of Americans in a terrorist attack that you could have otherwise prevented?</u> These are complicated and extremely tough difficult questions. Some people make them sound easy. They are wrong.</p>	<ul style="list-style-type: none"> <li>• These statements are premised on at least two factually inaccurate assumptions. The first is that the CIA only subjected “evil” individuals to its enhanced interrogation techniques. Several detainees subjected to the techniques were among the at least 26 detainees wrongly held by the CIA. For example, Abu Hudhaifa was subjected to ice water baths and 66 hours of standing sleep deprivation before the CIA discovered he was likely not the person he was believed to be.<sup>98</sup></li> <li>• The second factually inaccurate assumption is that a decision not to use the CIA’s enhanced interrogation techniques “leads to the death of Americans in a terrorist attack that you could have otherwise prevented.” As detailed in the Committee Study, information on the terrorist plots attributed by the CIA to the use of its enhanced interrogation techniques was <u>already</u> known to the Intelligence Community. Further, the decision to use techniques historically considered torture by the United States was not for the CIA to decide. The Committee Study repeatedly provides examples of the CIA advocating for the use of their enhanced interrogation techniques and providing inaccurate information about their use and effectiveness of senior Administration officials, members of Congress, and the Department of Justice.</li> </ul>
<p><b>Pages 274-275:</b></p> <p>I think it is very difficult for those who were not in the situation at that time to know what they would have done <u>when confronted</u></p>	<ul style="list-style-type: none"> <li>• CIA records indicate that President Bush was not “confronted by the same set of facts.” CIA records detail how the President was not briefed by the CIA on the CIA’s enhanced interrogation techniques until April 2006.</li> <li>• The Committee Study details how Rice and other Administration officials were provided with inaccurate</li> </ul>

<sup>98</sup> WASHINGTON [REDACTED]; [REDACTED] 51303 [REDACTED]; page 15-17 of the Committee Study.  
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<p>by the same set of facts with which President Bush, Condi Rice, and George Tenet were presented—because the situation was so unusual.</p>	<p>information about the CIA’s use of its interrogation techniques, as well as inaccurate information on their effectiveness.</p>
<p><b>Pages 275-276:</b></p> <p>I said in the interview that the EITs were not torture but that the techniques were inconsistent with American values and that for that reason I didn’t think they should have been done. As is often the case with television, a simple sound bite cannot convey a highly nuanced view.</p> <p>In the interview I was referring to one specific technique—waterboarding. I was not referring to the entire suite of techniques. .... When I served as acting director and deputy director, I made decisions about right and wrong in a very simple way. I would say yes to a CIA operation only if I believed I could, as an American, be proud that CIA had conducted the operation if it leaked and was on the front page of the Washington Post.</p>	<ul style="list-style-type: none"> <li>• Again, Morell and Harlow appear to be unfamiliar with the CIA’s internal records.</li> <li>• The practice of “grabbing [detainees] by the collar when they were not paying attention during an interrogation session” included slamming the detainees against a wall. In one case, with Abu Zubaydah, the wall was made of concrete.<sup>99</sup> Walling was generally conducted in combination with other techniques such as standing sleep deprivation.</li> <li>• Sleep deprivation involved keeping detainees awake for up to 180 hours, usually standing or in stress positions, at times with their hands shackled above their heads. At least five detainees experienced disturbing hallucinations during prolonged sleep deprivation. (Findings and Conclusions, page 3.) In one example, a detainee later found to be wrongfully detained was subjected to standing sleep deprivation. He was described in CIA records as barely able to enunciate and “visibly shaken by his hallucinations depicting dogs mauling and killing his sons and family.”<sup>100</sup> In at least two cases, the CIA continued sleep deprivation despite the detainees’ hallucinations. (Findings and Conclusions, page 3.)</li> <li>• CIA records reveal that neither sleep deprivation nor waterboarding was effective. After the extensive use of the waterboard against KSM, the on-site medical officer told the inspector general that after three or four days it became apparent that the waterboard was ineffective and that KSM “hated it but knew he could manage.” KSM debriefer and Deputy Chief of ALEC Station told the inspector general that KSM “figured out a way to deal with [the waterboard].” [REDACTED] of CTC legal told the inspector general that the waterboard “was of limited use on KSM.” A KSM interrogator told the inspector general that KSM had “beat</li> </ul>

<sup>99</sup> Email from: [REDACTED]; to: [REDACTED]; subject: Subject detainee allegation – per our telcon of today; date: March 28, 2007, at 04:42 PM; pages 40-41 of the Committee Study.

<sup>100</sup> [REDACTED] 1393 (201006Z OCT 03), page 109 of the Committee Study.

<p><u>With this litmus test, I believe the less severe techniques were perfectly appropriate. For example, I could in good conscience tell the American people that grabbing senior al Qaeda terrorists by the collar when they were not paying attention during an interrogation session, or even denying them sleep for prolonged periods, were the right things to do. ....</u>          But here is my moral dilemma. Based on my review of the program—done as I oversaw the Agency’s response to the Senate report—I believe that <u>waterboarding was one of the two most effective of the all the harsh techniques (the other being sleep deprivation).</u></p>	<p>the system,” and assessed that KSM responded to “creature comforts and sense of importance” and not to “confrontational” approaches. The interrogator later wrote that KSM and Abu Zubaydah, who was also waterboarded, “held back” despite the use of the CIA’s enhanced interrogation techniques, adding “I’m ostracized whenever I suggest those two did not tell us everything. How dare I think KSM was holding back.” In April 2003, [REDACTED] OMS told the inspector general that the waterboard had “not been very effective on KSM.” He also “questioned how the repeated use of the waterboard was categorically different from ‘beating the bottom of my feet,’ or from torture in general.”<sup>101</sup></p> <ul style="list-style-type: none"> <li>• Muhammad Rahim, the last CIA detainee and the only detainee subjected to the CIA’s enhanced interrogation techniques after 2005, was subjected to eight extensive sleep deprivation sessions, including a final session of 138.5 hours. The interrogation of Muhammad Rahim resulted in no intelligence.<sup>102</sup></li> <li>• After Rahim’s interrogation, a CIA after-action review recommended that future CIA interrogations should incorporate rapport-building techniques, social interaction, loss of predictability, and deception to a greater extent. The review further recommended that the CIA conduct a survey of interrogation techniques used by other U.S. government agencies and other countries in an effort to develop effective interrogation methods.<sup>103</sup></li> </ul>
<p><b>Page 276:</b></p>	

<sup>101</sup> Interview of [REDACTED], by [REDACTED] and [REDACTED], Office of the Inspector General, May 15, 2003; Interview of [REDACTED], by [REDACTED] and [REDACTED], Office of the Inspector General, April 3, 2003; Interview of [REDACTED], by [REDACTED], [REDACTED] and [REDACTED], Office of the Inspector General, August 20, 2003; Interview of [REDACTED], by [REDACTED] and [REDACTED], Office of the Inspector General, October 22, 2003; [REDACTED] 11715 (201047Z MAY 03); Sametime Communication, [REDACTED] and [REDACTED], 15/Aug/06, 10:28:38 to 10:58:00; Interview of [REDACTED], by [REDACTED] and [REDACTED], Office of the Inspector General, April 11 and 13, 2003. See page 213 of the Committee Study.

<sup>102</sup> [REDACTED] 2486 (251550Z JUL 07); [REDACTED] 2491 (261237Z JUL 07); [REDACTED] 2496 (261834Z JUL 07); [REDACTED] 2501 (271624Z JUL 07); [REDACTED] 2502 (281557Z JUL 07); [REDACTED] 2508 (291820Z JUL 07); HEADQUARTERS [REDACTED] (240022Z AUG 07); [REDACTED] 2645 (291552Z AUG 07); [REDACTED] 2661 (311810Z AUG 07); [REDACTED] 2662 (010738Z SEP 07); [REDACTED] 2666 (020722Z SEP 07); [REDACTED] 2888 (022355Z NOV 07); [REDACTED] 2915 (081755Z NOV 07).

<sup>103</sup> Undated CIA Memorandum, titled [REDACTED] After-Action Review, author (REDACTED), Undated CIA Memorandum, titled [Rahim] After Action Review: HVDI Assessment, with attached addendum, [Rahim] Lessons Learned Review Panel Recommendations Concerning the Modification of Sleep Deprivation and Reinstatement of Walling as an EIT, and Memorandum from [REDACTED] to Director, CTC, May 9, 2008, Subject: Results of After-Action Review of [Rahim] Interrogation. See pages 165-168 of the Committee Study.

<p>The press coverage was as ugly as it was predictable. Most of the attention was devoted to the most graphic descriptions of activities at some of the secret prisons. Little notice was given to the fact that <u>most of the examples of mistreatment were those few cases where CIA officers had gone beyond what the Justice Department had authorized</u>. That complicates things. Doesn't it?</p>	<ul style="list-style-type: none"> <li>• The Committee Study details extensive new details about the CIA's Detention and Interrogation Program that were not previously known.</li> <li>• This statement by Morell and Harlow is contradicted by statements elsewhere in the book where Morell and Harlow indicate that all CIA activity related to the CIA program <u>was</u> authorized by the Department of Justice.</li> <li>• CIA records documented in the Committee Study reveal extensive brutality that the CIA claims <u>was</u> authorized by the Department of Justice. For example, the CIA has never stated that the waterboarding of Abu Zubaydah was inconsistent with Department of Justice approvals. In one session, however, Abu Zubaydah "became completely unresponsive, with bubbles rising through his open, full mouth." According to CIA records, Abu Zubaydah remained unresponsive until medical intervention, when he regained consciousness and expelled "copious amounts of liquid." This incident, which was described in CIA emails, was never documented or otherwise noted in CIA cables.<sup>104</sup></li> <li>• New details about the brutality of the program are documented throughout the Committee Study and both John Yoo and John Rizzo have stated publically that they were unaware of some of the treatment, to include the rectal feeding of CIA detainees.</li> </ul>
<p><b>Page 276:</b></p> <p>In all these cases, CIA reported the mistreatment to its own inspector general, to the Department of Justice, and to Congress a decade before. Each had been investigated by DOJ—twice.</p>	<ul style="list-style-type: none"> <li>• This statement by Morell and Harlow 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.</li> <li>• CIA records reveal that at least 17 CIA detainees who 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</li> </ul>

<sup>104</sup> Email from [REDACTED]; to [DETENTION SITE BLUE] and [REDACTED]; subject: Re: Departure; date: March 6, 2003, at 7:11:59 PM; email from [REDACTED], OMS; to [REDACTED] and [REDACTED]; subject: Re: Acceptable lower ambient temperatures; date: March 7, 2003, at 8:22 PM; email from: [REDACTED], OMS; to [REDACTED] and [REDACTED]; subject: Re: Talking Points for review and comment; date: August 13, 2004, at 10:22 AM; and email from: [REDACTED]; to: [REDACTED], [REDACTED], [REDACTED] and [REDACTED]; subject: Re: Discussion with Dan Levin-AZ; date: October 26, 2004, at 6:09 PM. See pages 43-44 of the Committee Study.

	<p>implemented in the field in a manner that diverged from authorizations.<sup>105</sup> 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.<sup>106</sup> 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 were ever made aware.</p> <ul style="list-style-type: none"> <li>• 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.<sup>107</sup> 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.<sup>108</sup> The CIA continues to insist that “rectal rehydration is a “well acknowledged medical technique.”<sup>109</sup> 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.<sup>110</sup></li> </ul>
<p><b>Page 276:</b></p> <p>The Senate report <u>gave the impression that such mistreatment was widespread, occurred throughout the eight years of the program, and had been</u></p>	<ul style="list-style-type: none"> <li>• As described above, the Committee Study includes extensive new details on mistreatment that was never reported to the inspector general or the Department of Justice.</li> <li>• The Committee Study includes dates for all the mistreatment documented. As is apparent in the Study, the abuses diminished in the later years of the program as the CIA detained and interrogated fewer individuals. After detaining at least 113</li> </ul>

<sup>105</sup> See pages 101-104 of the Committee Study.

<sup>106</sup> 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 Committee Study.

<sup>107</sup> See page 100 of the Committee Study.

<sup>108</sup> [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 Committee Study.

<sup>109</sup> See page 115, footnote 115 of the Committee Study; page 55 of the CIA’s June 2013 Response.

<sup>110</sup> See page 100 of the Committee Study.



<p>uncovered by Senate investigators.</p>	<p>individuals through 2004, the CIA brought only six additional detainees into its custody: four in 2005, one in 2006, and one in 2007.<sup>111</sup> With one exception, the CIA did not subject anyone to its “enhanced interrogation techniques” after 2005.</p>
<p><b>Pages 276-277:</b></p> <p>What was especially troublesome to me was the fact that most new organizations paid scant attention, if any, to either the report of the SSCI minority or to the CIA report—<u>both of which debunked much of what the SSCI majority staff had written</u>, most important its judgments about the efficacy of the program and the honesty with which CIA spoke about the program to the rest of the executive branch and to Congress.</p>	<ul style="list-style-type: none"> <li>• This statement by Morell and Harlow is inaccurate. The Minority withdrew from the Committee Study in 2009 and did not participate in any independent review of the CIA’s internal records or conduct its own research. The Minority acknowledges in its document that that its views were “in response to, and at points predicated upon, the research and foundational work that underlie the Committee Study’s account of the CIA Detention and Interrogation Program.”<sup>112</sup> The Minority Views extensively relied on CIA talking points and documents that were factually inaccurate.</li> <li>• The CIA’s Response (“report”), which Morell led, was filled with verifiable factual errors, some of which are detailed in the footnotes of the Committee Study.</li> <li>• Morell and Harlow fail to note that the CIA’s internal Panetta Review came to many of the same conclusions of the Committee, including that the CIA misled policymakers and the public on the efficacy of the CIA’s interrogation techniques.</li> </ul>
<p><b>Page 277:</b></p> <p>In addition, there was little interest on the part of the media in two key issues that were not discussed in the Senate report—the circumstances that led the Bush administration and CIA to believe that harsh techniques were necessary...</p> <p><b>Pages 265-66:</b></p> <p>The second point is that context is everything. In</p>	<ul style="list-style-type: none"> <li>• This statement by Morell and Harlow is inaccurate. The Committee Study details extensively the “circumstances” surrounding the initiation of the CIA’s enhanced interrogation techniques, including the central role of the contractors with no interrogation experience and inaccurate representations by the CIA regarding its first detainee, Abu Zubaydah.</li> <li>• To the extent that the terrorist threats faced by the United States in the years after 9/11 constitutes the “circumstances that led the Bush Administration and CIA to believe that harsh techniques were necessary,” these threats are also covered extensively in the Committee Study. CIA records indicate, however, that these threats did not provide justification for the use of the CIA’s enhanced interrogation techniques. For example, the “second wave” plot which the CIA used as a justification for its enhanced interrogation techniques was disrupted in February</li> </ul>

<sup>111</sup> See Findings and Conclusions, page 16.

<sup>112</sup> See footnote on title page of Minority Views.

<p>order to thoughtfully consider the program, it is very important to understand what the key decision-makers at the time – President Bush, National Security Advisor Condi Rice, and Director Tenet – were facing every day. My last official action aboard Air Force One on 9/11 was to brief President Bush regarding an intelligence report that George Tenet’s staff at CIA had just sent me. The credibility of the source was unknown, the information itself was stunning but believable given what had occurred fewer than twelve hours earlier. The report, provided to us by one of the many foreign intelligence services with which we work closely indicated that al Qa’ida had prepared a second wave of attacks... This report began what became an avalanche – literally thousands – of intelligence reports in the months following 9/11 that strongly indicated that al Qa’ida would hit us again in the homeland.”</p>	<p>2002 – prior to the arrest of the CIA’s first detainee – according to the Bush Administration. As Frances Fragos Townsend, Assistant to the President for Homeland Security and Counterterrorism, stated, “the lead guy is arrested, which disrupts it in February of ’02... there is no question in my mind that this is a disruption.”<sup>113</sup></p>
<p><b>Page 277:</b></p> <p>In addition, there was little interest on the part of the media in two key issues</p>	<ul style="list-style-type: none"> <li>• The assertion that by Morell and Harlow that briefings of the White House, Justice Department, and Congress are “not discussed in the Senate report” is inaccurate.</li> </ul>

<sup>113</sup> February 9, 2006, White House briefing on “the West Coast Terrorist Plot”; White House Press Release, “Fact Sheet: Keeping America Safe From Attack,” May 23, 2007; page 247 of the Committee Study.

<p>that were not discussed in the Senate report ... the lengthy paper trail that showed that the White House, Justice Department, and Congress were fully briefed on it. A history of CIA's interactions with the rest of the executive branch and with Congress on the issue of EITs that was released by the CIA at the same time as the committee's report was completely ignored by the media.</p>	<ul style="list-style-type: none"> <li>• The Committee Study details extensively the CIA's interactions with the White House, the Department of Justice and the Congress. See, 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. In addition, hundreds of pages of material cover this topic in the full 6,700-page report.</li> </ul>
<p><b>Page 277:</b></p> <p>In polls taken after the Senate report was released and after days of the media hyping its findings, the majority of Americans said that they supported the use of harsh interrogation techniques in order to protect the lives of their fellow citizens. This view was consistent across a number of polls</p>	<ul style="list-style-type: none"> <li>• As CIA records demonstrate, the CIA's enhanced interrogation techniques were not effective. Yet, over a period of years, the CIA made representations that its techniques produced unique, otherwise unavailable information that "saved lives." Both the Committee and the CIA's own internal Panetta Review found that the CIA's representations were inaccurate.</li> <li>• Morell and Harlow ignore another poll from January 2015, that shows<sup>114</sup> "large majorities of the public disapprove of US government agents using specific "enhanced interrogation techniques" that were described in the Senate Select Committee on Intelligence report."</li> </ul>

<sup>114</sup> <http://detaineetaskforce.org/wp-content/uploads/2015/01/TCP-Poll-for-release-Jan-2015.pdf>: Results of a National Survey: Views of the American Public about the Use of Torture January 2015: A new national survey on attitudes toward the government's use of "enhanced interrogation techniques" indicates broad bipartisan opposition to a number of such methods used by the CIA and described in the recent report of the US Senate Select Committee on Intelligence. The survey also shows that majorities across the political parties support strengthening US laws against torture by making it clearer to the CIA and to the military what behavior is legal and what is illegal when interrogating people. These findings are particularly noteworthy because the survey was taken January 8-11, 2015 -- during the four days of intense international news coverage of terrorist attacks in Paris. The survey, conducted for The Constitution Project by Belden Russonello Strategists, reveals that large majorities of the public disapprove of US government agents using specific "enhanced interrogation techniques" that were described in the Senate Select Committee on Intelligence report. Republicans across the country disapprove of all but one of the techniques described in the survey, while decisive majorities of Democrats and independents disapprove of all four. In each of these cases the number of Americans who strongly disapprove is far greater than the number who approve.

<p>that were conducted.</p>	
<p><b>Pages 278-279:</b></p> <p>In one of the most interesting conversations I have ever had on the issue, the professor told me that he thought some of the techniques were indeed unlawful and that the Department of Justice had erred in its judgment. He also told me that he thought that many of the techniques were inconsistent with America's support for human dignity and America's leadership role in the world. And so, he concluded, he was opposed to the use of the techniques. Then came the punch line. He said <u>"Opposed, that is, unless I were the president of the United States, and someone walked into my office and said this is the only way to prevent a massive terrorist attack that might kill hundreds or thousands of Americans. In that case, if the decision were placed on my shoulders, I would say go for it. And then I would stand up and tell the American people the decision I had made and why I made it and accept the consequences."</u></p> <p>... What must be stressed is that these perilous decisions cannot be made at low levels. In the case</p>	<ul style="list-style-type: none"> <li>• There are a number issues with this passage by Morell and Harlow:             <ul style="list-style-type: none"> <li>○ CIA records indicate that the CIA did not brief President Bush on its enhanced interrogation techniques prior to April 2006. No member of Congress was briefed on the CIA's enhanced interrogation techniques until <u>after</u> they had been used against the CIA's first detainee, and the full congressional intelligence committees were not briefed until September 2006. It is thus inconsistent with the CIA's records to state that "[t]he highest levels of the US government in both the executive branch and Congress were engaged."</li> <li>○ CIA records reveal how, contrary to CIA representations, the CIA's enhanced interrogation techniques were <b>not</b> the "only way to prevent a massive terrorist attack that might kill hundreds or thousands of Americans." Indeed, CIA records clearly show how the CIA misled policymakers and the American public, by misrepresenting that intelligence came from detainees subjected to the CIA's enhanced interrogation techniques, when the intelligence was actually acquired using other traditional intelligence collection methods.</li> <li>○ Neither the CIA nor the administration decided to "stand up and tell the American people" what had been decided prior to September 2006, when the administration sought an "endgame" to an unsustainable program, transferred its detainees to DOD custody and sought legislation from Congress. Even then, President Bush did not reveal the nature of the CIA's enhanced interrogation techniques.</li> <li>○ No one has ever "accept[ed] the consequences" for the CIA's enhanced interrogation techniques. The CIA has acknowledged that there were "significant shortcomings" in its handling of the conduct and management of the program. The CIA has further acknowledged 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."</li> </ul> </li> </ul>

<p>of the EITs, they were not. <u>The highest levels of the US government in both the executive branch and Congress were engaged</u>— as they should have been.</p>	<p>Despite these acknowledgments, there has been no accountability for senior officers involved in the program.<sup>115</sup></p>
<p><b>Page 328:</b></p> <p>People frequently ask me about specific movies and television series about the Agency. “Is Homeland real?” they ask. “Did Zero Dark Thirty get the story right?” My answer is always the same: “No, not really, with one exception, and that exception is the passion that CIA officers bring to the job.” I usually explain that the passion for getting the job done that is demonstrated, for example, by the character Carrie in Homeland or Maya in Zero Dark Thirty is a dead-on accurate portrayal of the passion of many CIA officers, particularly those who work in our Counterterrorism Center.”</p>	<ul style="list-style-type: none"> <li>• According to publicly released emails, Morell met with the screenwriter and director of <i>Zero Dark Thirty</i>. Under Morell, who was Acting CIA Director at the time, the CIA cooperated extensively with the film, including by discussing the “intelligence case” behind the raid on the UBL compound.<sup>116</sup> As Senators Feinstein, McCain, and Levin stated, the movie was “grossly inaccurate and misleading,” particularly with regard to the role of coercive interrogations in leading to UBL’s courier.<sup>117</sup></li> </ul>

<sup>115</sup> See CIA’s June 2013 Response, page 8.

<sup>116</sup> Email from: [REDACTED]; to: ‘M.B.’; date: July 6, 2011 7:25 PM; subject: Confirmation of meeting with Acting DCIA Michael Morell; Email from: [REDACTED]; to: Marie E. Harf; date: 7/6/2011 07:18 PM; subject: Re: Meeting with UBL Movie Director Kathryn Bigelow; Email from: Marie E. Harf; to: [REDACTED]; date: 7/6/2011 10:19 AM; subject: Meeting with UBL Movie Director Kathryn Bigelow; Email from: Marie Harf; to: [REDACTED]; date: 6/30/2011 01:31 PM; subject: Meeting with Hollywood screenwriter tomorrow (Friday)?

<sup>117</sup> Press release from Senators Feinstein, McCain and Levin, December 19, 2012.

**Additional Interview:**

<p><b>Michael Morell-</b></p> <p><b>From an interview with Politico, “Here’s What I Really Worry About...”, dated, May 11, 2015.</b></p> <p>Morell: “Here’s what happened. [Then-CIA Director] Leon Panetta gave them [the Senate committee] access to nearly every document at the CIA. <u>But the White House declared executive privilege on documents that related to interactions between the CIA and the White House.</u> They didn’t have those, so they never saw all of the conversations and interactions between the CIA and the White House. <u>They just assumed they never happened.</u> That’s really, really poor analysis on their part.”</p>	<ul style="list-style-type: none"> <li>• Details of the interactions and discussions between the CIA and the White House regarding the program are found throughout the Committee Study. Morell has either not read the Committee Study, does not recall the content,<sup>118</sup> or is being dishonest. The Committee had access to, and utilized (see details, including the footnotes, in the Committee Study), many thousands of pages of records detailing the CIA’s interactions with the White House and the CIA. These records include clear evidence that the CIA was providing factually inaccurate information to the White House, as well as misleading information in response to questions from White House officials.<sup>119</sup> The CIA’s internal Panetta Review arrived at a similar conclusion.</li> <li>• The White House withheld approximately 9,400 CIA documents related to the CIA’s Detention and Interrogation Program from the Committee pending a determination and claim of executive privilege. The Obama White House never “declared executive privilege” nor did the Obama White House respond to Committee staff inquiries or three formal letters from then-Chairman Feinstein. The White House did assure the Committee that there was <u>no information</u> in the withheld documents that would change the narrative or findings and conclusions in the Committee Study.</li> </ul>
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<sup>118</sup> On May 15, 2015, 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.”

<sup>119</sup> For example, see page 117-118, footnote 2527 of the Committee Study.