

SSCI STUDY OF THE CIA'S DETENTION AND INTERROGATION PROGRAM

Mr. WYDEN. Mr. President, I have served on the Senate Intelligence Committee for 14 years and came to the Senate floor in the spring of 2005 to join with Senator ROCKEFELLER in calling for the committee to investigate the CIA's interrogation activities and the possible use of torture. In 2009 I joined my Intelligence Committee colleagues in voting to approve Chair FEINSTEIN's motion to launch an investigation into these activities.

I said at the time, I continue to believe it today, that what this debate over torture requires is an infusion of facts. Americans can hear me and other policymakers argue that the CIA's so-called enhanced interrogation techniques constituted torture and did not work, and Americans can also hear various former officials argue that these techniques are not torture and that they produced uniquely valuable information. What is important is that today all Americans finally have access to the facts so they can make up their own minds. Personally, I hope this report closes the door on the possibility of our country ever resorting to torture again.

Americans have known since the days of the Salem witch trials that torture is an unreliable means of obtaining truthful information in addition to being morally reprehensible. But following the terrorist attacks of September 11, 2001, a small number of CIA officials chose to follow the advice of private, outside contractors who told them the way to quickly get important information from captured terrorist suspects was by using coercive interrogation techniques that had been developed and used by Communist dictatorships during the Cold War.

I would note that the CIA officials later paid these same contractors to evaluate the effectiveness of their own work.

CIA officials repeatedly represented to the public, to the Congress, to the White House, and to the Justice Department that the techniques were safe, that they were only used against high-level terrorist captives, and that their use provided unique otherwise unavailable intelligence that saved lives. After 5 long years of investigation, our committee found that none of these claims held up. The CIA's so-called enhanced interrogation techniques included a number of techniques that our country has long considered torture. Furthermore, the CIA's own interrogation records make it clear that the use of these techniques in the CIA's secret prisons was far harsher than was described in representations by the CIA.

CIA Director Michael Hayden testified that any deviation from approved procedures were reported and corrected, but CIA interrogation logs described a wide variety of harsh techniques that the Justice Department's infamous torture memos did not even

consider. Practices such as placing detainees in ice water or threatening a detainee with a power drill were often not appropriately recorded or corrected when they happened. Director Hayden also testified that detainees at a minimum have always had a bucket to dispose of their human waste, but in fact CIA detainees were routinely placed in diapers for extended periods of time, and CIA cables show multiple instances in which interrogators withheld waste buckets from detainees.

CIA records indicate that some CIA prisoners may not have been terrorists at all. Some of these individuals were in fact ruthless terrorists with blood already on their hands, but one of the report's most important findings is that this did not seem to be the case in every instance. In one particularly troubling case, the CIA held an intellectually challenged man prisoner and attempted to use tapes of him crying as leverage against another member of the individual's family.

At another point the CIA official noted in writing that the CIA was holding a number of detainees about whom we know very little, and the CIA on multiple occasions continued to hold people even after CIA officers concluded there was not information to detain them. The review even found email records that described Director Hayden instructing a CIA officer to underreport the total number of CIA detainees. To this day the CIA's official response to this report indicates that senior CIA officials are alarmingly uninterested in determining exactly how many detainees the CIA even held.

To be clear, the report doesn't attempt to determine the motivation behind these misrepresentations. The report doesn't reach judgments about whether individuals deliberately lied or unknowingly passed along inaccurate information. It simply compares the representations the CIA made to Congress, the Justice Department, the public, and others to the information found in the CIA's own internal records, and it notes where those comparisons reveal significant contradictions.

One of the biggest sets of contradictions revolve around the repeated claim that the use of these techniques produced unique, otherwise unavailable intelligence that saved lives. CIA officials made this claim to the White House, the Justice Department, the Congress, and the public. The claim was repeated over and over and over again. Over the years CIA officials came up with a number of examples to try to support the claim, such as the names of particular terrorists supposedly captured as a result of coercive interrogations or plots that had been supposedly thwarted based on this unique, otherwise unavailable information.

The committee took the 20 most prominent or frequently cited examples used by the CIA and our investigators spent years going through them.

Twenty examples are going to seem like a lot to anybody who reads the report, but the committee members who were working on the report agreed it was important to be comprehensive and avoid cherry-picking just one or two cases. In every one of these cases the CIA statements about the unique effectiveness of coercive interrogation techniques were contradicted in one way or another by the Agency's own internal records.

I am going to repeat that because I think it is a particularly important finding. In every one of these 20 cases, CIA statements about the unique effectiveness of coercive interrogation was contradicted in one way or another by the Agency's own internal records. We are not talking about minor inconsistencies. We are talking about fundamental contradictions.

For example, in congressional testimony and documents prepared for White House briefings, the CIA claimed that a detainee had identified Khalid Shaikh Mohammed as the mastermind of the 9/11 attacks after he was detained by the CIA and subjected to the CIA's coercive interrogation techniques, but in fact CIA records clearly show that Abu Zubaydah provided this information during noncoercive interrogations by the FBI prior to the beginning of his coercive CIA interrogations and days before he was even moved to the CIA's secret detention site. I personally expected that there would be at least one or two cases where vague or incomplete records might appear to support the Agency's claims, but in fact in every one of these 20 examples they and the arguments for them crumble under close scrutiny.

The report that is being released today includes a number of redactions aimed at protecting our national security. I will say in my view some of these redactions are unnecessary and a few of them even obscure some details that would help Americans understand parts of the report. Overall I am satisfied that the redactions do not make the report unreadable and it would be possible for Americans to read the report to learn not only what happened but how it happened, and learning that is essential to keep it from happening again.

One of the reasons this public release is necessary is that the current CIA leadership has been resistant to acknowledging the full scope of the mistakes and misrepresentations that have surrounded this program. Some of this resistance is made clear in the Agency's official response to the committee's report, and I suspect some of it will be echoed by former officials who were involved in the program.

Finally, I want to wrap up by reminding people about the documents that have come to be known as the Panetta review. When former CIA Director Panetta came to the Agency in 2009, he made it clear from the outset that he wanted to work to put the Agency's history of torture behind it

and that he wanted to cooperate with the Intelligence Committee inquiry. He also sensibly asked CIA personnel to review internal CIA records and get a sense of what this investigation could be expected to find.

The review got off to a solid start. It began to identify some of the same mistakes and misrepresentations that are identified in our committee's report. Unfortunately, it does not appear that this review ever made it to the Director's desk. Instead, publicly available documents made it clear this review was quietly terminated by CIA attorneys who thought it was moving too fast.

Earlier this year the Agency conducted an unprecedented and secret search of Senate files in an effort to find out whether the committee had obtained copies of the Panetta review. After it was found that committee investigators had in fact obtained the Panetta review, the CIA actually attempted to file unsupported criminal allegations against Senate staff members. After the search was publicly revealed by the press, the CIA's own spokesperson acknowledged in USA Today that the search had taken place and it had been done because the CIA was looking to see if our investigators had found a document the CIA didn't want the Congress to have. Incredibly, that same week CIA Director John Brennan told reporter Andrea Mitchell of NBC that the CIA had not spied on Senate files and that "nothing could be further from the truth."

I think this incident and the difference between what was said to Andrea Mitchell and what the Agency's own people said to USA Today reflects once again what I call an alarming culture of misinformation. Instead of acknowledging the serious organizational problems that are laid out in this report, the Agency's leadership seems inclined to try to sweep them under the rug. This means organizational problems aren't going to be fixed unless they are laid out publicly, and there is also a danger that other countries or even future administrations might be tempted to use torture if they don't have all the facts about the CIA's experience. That is why the release today is so important.

In concluding, I thank all of the staff who have put in hours and hours and nights and weekends and time away from their families to get this investigation completed. I praise Chair FEINSTEIN and our former Chair Senator ROCKEFELLER, who together were resolute in pushing for this kind of congressional oversight.

#### TRIBUTE TO MARK UDALL

Mr. WYDEN. I close with just a word about our friend and colleague Senator MARK UDALL of Colorado. I have had the pleasure of serving with Senator UDALL on the Intelligence Committee and have admired his commitment to American security and core American

values. Many in the Senate would not know this because all of those intelligence meetings are behind closed doors, but MARK UDALL is not a Senator who is afraid to stand alone. He is not afraid to fight for what he believes in. When the fight to declassify this report got bumpy—and let me tell you it did a lot of times. I think some of you heard this weekend we had an eleventh-hour objection to the report getting out. People asked me what I thought, and I said it was not particularly surprising because there were objections practically every hour on the hour for months and months. Yet when the fight to declassify the report got very difficult, some people said: This is going to get buried forever. That is what happens when you try to get accountability and transparency. Senator MARK UDALL made it clear that wasn't going to be allowed to happen on MARK UDALL's watch.

I am going to wrap up by saying to Senator UDALL, I remember when we started this battle together and we got a handful of votes, sometimes like 13 to 2 or whatever. We thought it was going to be a long time before there was reform. We went from those days to eventually getting up to 15 or 20 votes. Colleagues, today, to a great extent because of Senator UDALL, in the last vote for real surveillance reform, we were up to 58 votes—58 votes for real surveillance reform. That, to a great extent, is possible because of the extraordinary service of my good friend Senator MARK UDALL from Colorado. We westerners always make sure we stay in touch, and you know that is going to be the case with this particular friend from the West, a wonderful Senator, Mr. MARK UDALL.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

#### SENATE SELECT COMMITTEE ON INTELLIGENCE STUDY OF THE CIA'S DETENTION AND INTERROGATION PROGRAM

Mr. UDALL of Colorado. Mr. President, today is a historic day, as Senator WYDEN made clear, Senator FEINSTEIN, Senator ROCKEFELLER, and many other Senators to follow.

Before I talk about my involvement in the efforts that were put forth to reach this day, I want to say to Senator WYDEN, my good friend, you honor me with those comments. I want to acknowledge that when you are in a fight, it matters whom you are in the fight with. It has been my privilege and honor to fight on the side of transparency, on the side of protecting the Bill of Rights, and this has been a righteous cause. We are going to continue to work to find the right balance between privacy and security. As Ben Franklin famously implied, we can have both, but we don't end up with both if we set aside the Bill of Rights and those fundamental principles that are enshrined into the Bill of Rights. It

has been my privilege to fight alongside you, and I wish you all the best. Yes, we westerners will stay in touch.

Turning back to the matter at hand, today, almost 6 years after the Senate Intelligence Committee voted to conduct a study of the CIA's detention and interrogation program and nearly 2 years after approving the report, the American people will finally know the truth about a very dark chapter in our Nation's history.

I had two goals at the beginning of this long process, and I still hold those two goals today. First, I have been committed to correcting the public record on the CIA's multiple misrepresentations to the American people, to other agencies, the executive branch, the White House, and to Congress.

Second, my goal has been to ensure that the truth comes out about the terrible acts committed in the name of the American people. Why? Because I want this to be our way of going forward, that neither the CIA nor any future administration repeats the grievous mistakes this important oversight work reveals.

This has been a careful and very deliberative process. We have compiled, drafted, redacted, and now released this report. It has been much harder than it needed to be. Senator WYDEN and many others pointed it out.

It brings no joy to discuss the CIA's brutal and appalling use of torture or the unprecedented actions that some in the intelligence community and the administration have taken in order to cover up the truth. By releasing the Intelligence Committee's landmark report, we affirm that we are a nation that does not hide from its past but learns from it. An honest examination of our shortcomings is not a sign of weakness but of the strength of our great Republic.

We have made significant progress since the CIA first delivered its heavily—underline "heavily"—redacted version of the executive summary to the committee in August. The report we released today cuts through the fog the CIA's redactions created and will give the American people a candid, brutal, and coherent account of the CIA's torture program.

As the chairman said earlier today, even when public tensions were high, our committee continued to work behind the scenes to successfully whittle down 400 instances of unnecessary redactions to just a few. We didn't make all the progress we wanted, and the redaction process was filled with unwarranted and completely unnecessary obstacles, but all told, after reviewing the final version, I believe our landmark report accomplishes the goals I laid out at the outset and tells the story that needs to be told. It also represents a significant and essential step toward restoring faith in the crucial role of Congress to conduct oversight of the intelligence community. Congressional oversight is important to all of government's activities, but it