

Senate Select Committee on Intelligence

Committee Study of the Central Intelligence Agency's Detention and Interrogation Program



Additional Views

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**SENATOR
KING
ADDITIONAL
VIEWS**

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Additional Views of Senator King

(U) I joined the Senate Select Committee on Intelligence in January 2013, approximately four years after President Obama issued an Executive Order to end the detention and interrogation program of the Central Intelligence Agency (CIA). As such, I was not involved in the inception and initial stages of the committee's review of the program. After carefully reading this study's lengthy executive summary, the CIA's response, and other relevant documents, it is clear to me that some detainees were subjected to techniques that constituted torture. Such brutality is unacceptable, and the misconduct on the part of some of the individuals involved in the use of enhanced interrogation techniques, which is documented in the study, is inexplicable. Based upon this review, it appears to me that the enhanced interrogation techniques were not effective in producing the type of unique and reliable information claimed by the agency's leadership, and should never again be employed by our government.

(U) In the course of conducting vigorous oversight with respect to this program, it is also important to bear in mind several points. First, in the wake of the September 2001 attacks, our government was inundated with endless leads to track down. There was genuine fear and uncertainty about follow-on strikes, which may explain, but not excuse, the actions that are the subject of this study. Second, we live in a dangerous world with all-to-real enemies and I believe firmly that intelligence is our nation's first line of defense against terrorism. As such, the CIA and other intelligence agencies are vital to keeping us safe and the disturbing nature of the study's findings should not be used to undermine our overall intelligence enterprise. Lastly, it should be understood that those responsible for the mismanagement and misconduct associated with the detention and interrogation program are not representative of the many dedicated professionals serving our nation, often in anonymity, at the CIA. Having met with many CIA officers, I have great respect for their intellect, dedication, courage, and sacrifice.

(U) Despite the unquestionable professionalism of the vast majority of CIA personnel, the study demonstrates that the detention and interrogation program was mismanaged, that some within the leadership of the CIA actively impeded congressional oversight, and that agency officials misrepresented the program's effectiveness.

~~(S)~~ The study finds that CIA headquarters failed to keep accurate records on those it detained and placed individuals with limited experience in senior detention and interrogation roles. Even after a detainee died of hypothermia at a detention facility in November 2002, many of these practices continued without adequate oversight. In its response to the study, the CIA states that delegating management of this particular facility to a junior officer "was not a prudent managerial decision given the risks inherent in the program."¹ It is difficult to imagine a greater understatement of what occurred. More accurately, in the words of one of the CIA's senior interrogators, the program was "a train wreck [sic] waiting to happen."²

¹ Central Intelligence Agency's Response to the SSCI's Study of the CIA's Detention and Interrogation Program, June 27, 2013, Response to Conclusion 15, p. 42.

² SSCI Study of the CIA's Detention and Interrogation Program, April 3, 2014, Executive Summary, p. 68.

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(U) Of the many examples of impeding congressional oversight documented in the study, none is more striking than the decision by CIA leaders to destroy videotapes of CIA interrogations out of a concern that Congress might discover evidence of misconduct and brutality. There is no excuse for this decision and those involved should no longer be associated with the CIA or the United States government.

~~(S)~~ Most significantly, the study finds that the CIA's justification for the use of enhanced interrogation techniques rested on inaccurate claims of their effectiveness. In its official response to the study, the CIA contradicts many of its previous claims of unqualified effectiveness by arguing that it is now "unknowable" whether the same information could have been acquired without the use of enhanced interrogation techniques and further contends that its past assertions were "sincerely believed but inherently speculative."³ Yet in the long and unfortunate history of this program, no one in the CIA's leadership expressed such an equivocal view of the techniques' effectiveness. What was once certain is now "unknowable;" this migration of rationales underlines for me the magnitude of the prior misrepresentations.

~~(S)~~ I have to assume that in many cases the representations of effectiveness were believed by the individuals who made them. However, the CIA also admits in its response that it never attempted to develop a "more sustained, systematic, and independent means by which to evaluate the effectiveness of the approaches used with detainees."⁴ It states further that its reviews of the program's effectiveness were "heavily reliant on the views of the practitioners" – including the contract psychologists who designed and executed the techniques.⁵

(U) If such a sustained, systematic, and independent evaluation was impractical, as the CIA now claims, then it follows that the CIA's assertions about the effectiveness of such techniques were largely guesswork. In the end, policymakers based their decisions about a program so at variance with our past practices and values on anecdotal information, rather than on a verifiable process. This, in my opinion, is among the seminal failings of the program and the CIA's leadership during this period.

(U) Finally, I am deeply disturbed by the implications of the study for the committee's ability to discharge its oversight responsibility. The core of the oversight function rests in large part upon the interaction of our committee with representatives of the various intelligence agencies, most particularly the CIA. Because it appears from the study that the committee was continuously misled as to virtually all aspects of this program, it naturally raises the extremely troubling question as to whether we can trust the representations of the agency in connection with difficult or sensitive issues in the future. If our principal oversight approach is based on frank and open communication with the CIA's leadership, and we cannot fully rely upon the answers we receive, then the entire oversight function is compromised.

³ Central Intelligence Agency's Response to the SSCI's Study of the CIA's Detention and Interrogation Program, June 27, 2013, Response to Conclusion 9, p. 23.

⁴ Central Intelligence Agency's Response to the SSCI's Study of the CIA's Detention and Interrogation Program, June 27, 2013, Response to Conclusion 10, p. 24.

⁵ Central Intelligence Agency's Response to the SSCI's Study of the CIA's Detention and Interrogation Program, June 27, 2013, Response to Conclusion 10, p. 25.

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(U) As a committee, we should discuss this matter to determine if additional steps may be necessary to ensure that we are getting accurate information. I believe that our solemn responsibility to provide vigilant legislative oversight over the intelligence activities of the United States requires serious consideration of this problem.

(U) I agree with my colleagues in the minority who note that the Department of Justice's decision to begin a criminal investigation in 2009 prevented the committee from conducting most interviews and required the study to rely mainly on documents provided by the CIA. I am also disappointed that the study could not utilize the expertise of the minority through a joint review, as has been the committee's practice. While I believe the study is accurate, this is a fundamental lesson that will inform my approach to the committee's work in the years ahead.

(U) In conclusion, upon joining the committee in 2013 I endeavored to undertake a thorough review of the study, the CIA's response, and other relevant documentation. I also discussed this matter with Democrats and Republicans on the committee, the staff members involved in writing the study and the minority staff, the CIA personnel who drafted the agency's response, a former senior military interrogator, current CIA officers bravely serving our nation in harm's way, a former top FBI official, and numerous Maine people – including human rights experts and leaders of the religious community.

(U) Based upon this review, I voted to approve declassification of the study because I believe our nation's reputation as a beacon of openness, democratic values, human rights, and adherence to the rule of law is at stake. Our credibility – and ultimately our influence – in the world is dependent upon this reputation, and it is our obligation to admit when we fail to meet America's high standards. I believe we can protect intelligence sources and methods and still declassify a significant portion of the study to accomplish this goal.

(U) As then Secretary of State Colin Powell said in 2004, following the scandals at Abu Ghraib prison,

“Watch America. Watch how we deal with this. Watch how America will do the right thing. Watch what a nation of values and character, a nation that believes in justice, does to right this kind of wrong. Watch how a nation such as ours will not tolerate such actions.”⁶

(U) In the last analysis, America's real power is based upon our values and how we put those values into practice. As with any individual – or great nation – we will occasionally stumble, but when we do, we acknowledge our failings – as we have in this case – and move on, true to ourselves and to the better angels of our nature.

ANGUS S. KING

⁶ Powell, Colin. “Commencement Address.” Wake Forest University. 17 May 2004.

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