

Senate Select Committee on Intelligence

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



Minority Views
Additional Minority Views

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ADDITIONAL
MINORITY VIEWS
OF SENATOR
COBURN, VICE
CHAIRMAN
CHAMBLISS,
SENATORS BURR,
RISCH, COATS, AND
RUBIO

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*Additional Views by Senator Tom Coburn, MD,
Vice Chairman Saxby Chambliss, Senators Burr, Risch, Coats and Rubio*

(U) As parts of the Senate Select Committee on Intelligence (SSCI) "Committee Study of the Interrogation and Detention Program" (hereafter, the "Study") become declassified, it is our hope that, in addition to these and the other Minority views, the Central Intelligence Agency (CIA) response of June, 2013 also be declassified. Interested and objective readers will be able to balance these various views as they make their own assessments of the flaws, errors, initiatives and value of the CIA's detention and interrogation program conducted and terminated in the previous decade.

~~(S//NF)~~ For those who hold already set views, they may or may not be surprised that the CIA agreed with a number of the Study's findings, at least in part, although the CIA disagreed, in substance, with the core assertions of the Study: that the interrogation program provided little valuable intelligence and that the CIA misrepresented the program to the White House, other executive agencies, the Congress and the public (through the media).

(U) As stated in the Minority views and the CIA response, so only briefly reiterated here, the methodology for the Study was inherently flawed. A SSCI investigation of this depth and importance requires that, in addition to a document review, interviews with participants and managers be conducted. This standard approach was included in the terms of reference that established the Study in March, 2009. For a recent and relevant example, the SSCI's investigation into the intelligence failures regarding weapons of mass destruction in Iraq, "U.S. Intelligence Community's Prewar Intelligence Assessments on Iraq," (July, 2004), was based on Committee interviews with more than 200 intelligence community (IC) officers, including analysts and senior officials, in addition to a review of tens of thousands of documents. Some of those individuals were interviewed up to 4 times, as Committee staff worked to reconcile the complex documentary record with the perspectives of those involved in the analytic production. (That report, when published, was supported unanimously by the Committee, 15-0. This is significant in that properly performed reviews tend to gain bipartisan approval.)

(COMMITTEE SENSITIVE) In addition, no Committee hearings were conducted with members of the IC once the Study was initiated in 2009 until it was first voted out of Committee in 2012. In sum, a massive (but still incomplete) outlay of documents was reviewed in isolation (outside of Committee spaces),

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without the benefit of interpretation or perspective provided by the actual participants in the program.

(COMMITTEE SENSITIVE) Perhaps if such interviews had occurred, the authors of the Study would have had better exposure to the analytic processes that underpin a global collection program that sought, in response to the attacks of 9/11, to assemble an analytic picture of a poorly understood global terrorism network, al-Qa'ida. Thousands of analysts worked with the reports that were derived from the interrogations (most of which were conducted without the use of enhanced interrogation procedures) and thousands of analytic products were generated to build an understanding of the terror organization that attacked us on September 11, 2001. To read the Committee Study, the reader could conclude that majority of those analysts did not properly understand their profession and their products were flawed. That conclusion would be false.

(U) A fundamental fact is missing from the point of departure for the Study: For any nation to respond to an attack by an insurgency, terrorist organization or armed group, the primary source of human intelligence will be detainee reporting. The CIA's program, improvised in its early stages because the CIA had no established protocols to draw on, sought to build the capacity to gather this intelligence by creating a global information network where the intelligence gained from interrogations around the world could be assessed, corroborated and challenged by analysts working in real-time to better develop an intelligence picture of a very real threat whose dimensions and direction were unknown to us.

(U) How detainee reporting is collected -- through what protocols of interrogation -- is the challenge that every nation, and, in particular, nations bound by the rule of law, must answer. This fundamental question is not addressed in the Study.

(U) Instead, the most adamant supporters of the Study have declared that the effect of this Study will be that the abuses they assess occurred will never happen again. This is an odd conclusion, in that the CIA's interrogation program was ended in the last decade, and President Obama's Executive Orders put in place measures and procedures that clearly indicate the program would not be reconstituted. If the point of the Study was to end something the supporters of the Study wanted to terminate, the objective was achieved before the Study began.

(U) But if the point of the Study is to ensure that abuses assessed by the supporters of the Study never occur again, the Study made no contribution to ensuring this because it failed to offer recommendations for lawful interrogation protocols for

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the collection of detainee intelligence in the future. Even more striking than the fact that the Study was completed without conducting interviews is the complete absence of any recommendations, recommendations that could provide meaningful guideposts for the future.

(U) There is a cycle that can be observed in democracies fighting armed groups and relying upon detainee intelligence gained from interrogation. It is a cycle that has occurred in democracies throughout the last century and, in fact, throughout American history.¹ An episode of national security crisis is responded to with urgency and frenzy, and the detention cycle begins. The early stage of the cycle is usually when the instances of brutality may occur. Over time, interrogation protocols are reconciled with the rule of law (and practicality, as brutality does not guarantee good intelligence). A consideration of American, British and Israeli history – to cite three examples of democratic societies – provides examples of this cycle in each country.

~~(S//NF)~~ That this cycle can repeat reflects an apparent weakness in democracies, including our own, in their inability to process and retain “lessons learned.” We have certainly seen this elsewhere in the national security sphere – how our various national security institutions have “forgotten,” for example, counterinsurgency theory, public diplomacy, and covert influence practices.

(U) This Study has many flaws, articulated in the other Minority views and the CIA response. To that we would add is the failure to extract “lessons learned,” in the form of recommendations that provide insights into which interrogation techniques work in gathering foreign intelligence and are consistent with rule-of-law principles. This knowledge, were it to be captured and held in doctrine, would provide the tools for this nation as it continues to face threats from terrorist organization or other armed group overseas. Only in this way could the intent of “never again” be in fact ensured.

(U) The Study provided no such recommendations for the future. Instead it is a partisan prosecutor’s brief against history. It is a 6,000 page exercise in the rhetorical trope of synecdoche, where a part – in this case, the most egregious abuses, such as waterboarding – is substituted for the whole – in this case, the entire CIA detention and interrogation program, most of which did not rely on

¹ . Dr. Coburn is grateful to have had access to *United States Detention Policy in Counterterrorism and Counterinsurgency Operations: 2001 to 2011*, particularly chapter 1, “Detention in US History from 1775 to 2000,” Dr. Ahmed Qureshi, unpublished thesis submitted for the Degree of Philosophy (PhD), Kings College, University of London, 2013.

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enhanced interrogation techniques and most of which provided the intelligence picture of al-Qai'da in the first decade of the 21st century. We caution any reader of the Study against ever concluding that the threats of today and tomorrow can be addressed without the value of detainee intelligence that provided this picture of al-Qa'ida that allows us to prevail against it in the second decade of the 21st century.

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